



Town of Clayton
Regular Town Council Meeting Agenda
Tuesday, January 2, 2024 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON THE TOWN'S YOUTUBE CHANNEL:
<https://www.youtube.com/TownofClaytonNC>

1. CALL TO ORDER

- a. Call to Order
- b. Pledge of Allegiance
- c. Invocation

2. ADJUSTMENT OF THE AGENDA

- a. **POTENTIAL ACTION:** Approve or Adjust the Agenda

3. CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

- a. Minutes
 - December 4, 2023 - Regular Session
 - December 18, 2023 - Regular Session
 - December 18, 2023 - Closed Session

Presenter: Heidi Holland, Town Clerk
[December 4, 2023 Regular Session Minutes](#)
[December 18, 2023 Regular Session Minutes](#)
- b. Certificate of Sufficiency 2023-161-ANX Lawson Glen Annexation
Presenter: Sam Johnson-Phillips, Deputy Town Clerk
[Certificate of Sufficiency 2023-161-ANX](#)
- c. Certificate of Sufficiency 2023-138-ANX Leland A. Blessl Barbour Annexation
Presenter: Sam Johnson-Phillips, Deputy Town Clerk
[Certificate of Sufficiency 2023-138-ANX](#)
- d. 2024 Holiday Schedule Revised
Presenter: Heidi Holland, Town Clerk
[2024 Holiday Schedule Revised](#)
- e. Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation petition 2023-101-ANX Rocky Branch Farm, LLC
Presenter: Bruce Venable, Planner I
[Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation p - Pdf](#)

- f. Resolution Directing the Clerk to check for sufficiency of the petition for annexation; to set the date of the public hearing for the annexation petition 2023-100-ANX Poole Farm, LLC
Presenter: Bruce Venable, Planner I
[Resolution Directing the Clerk to check for sufficiency of the petition for annexation; to set the date of the public hearing for the annexation petit - Pdf](#)
- g. Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation petition 2023-164-ANX Lee Court
Presenter: Bruce Venable, Planner I
[Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation p - Pdf](#)
- h. Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation petition 2023-165-ANX Gregory Drive
Presenter: Bruce Venable, Planner I
[Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation p - Pdf](#)
- i. Amended Compensation Plan Scales
Presenter: Rich Cappola, Town Manager
POTENTIAL ACTION: Approve Consent Agenda As Presented

4. ADMINISTRATIVE ITEMS

- a. Advisory Board By-Laws Update
Presenter: Heidi Holland, Town Clerk
[Advisory Board By-Laws Update](#)
POTENTIAL ACTION: Adoption of Resolution #2024-01

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Harvest Festival Update
Presenter: Dana Wooten, Chamber of Commerce President CEO

6. PUBLIC HEARINGS

- a. 2023-138-ANX Leland A. Blessl Barbour Annexation
Presenter: Bruce Venable, Planner I
[2023-138-ANX Leland A. Blessl Barbour Annexation - Planning - Pdf](#)
POTENTIAL ACTION: Adoption of Ordinance #2023-12-02
- b. Update to System Development Fees
Presenter: Joshua Baird, PE, CFM - Engineering Director, Acting Water Resources Director
[Update to System Development Fees - Engineering - Pdf](#)
POTENTIAL ACTION: Adoption of Ordinance #2024-01-01
- c. 2023-161-ANX LAWSON GLEN ANNEXATION
Presenter: Bruce Venable, Planner 1

POTENTIAL ACTION: Adoption of Ordinance #2023-12-03

7. OLD BUSINESS

- a. Clayton Community Park - Construction Project Bid Award
Presenter: Chris Gallant - Project Manager
[Clayton Community Park - Construction Project Bid Award - Engineering - Pdf](#)

POTENTIAL ACTION: Approval of Bid Award and Resolution #2024-07

8. NEW BUSINESS

9. STAFF REPORTS

- a. Town Manager
b. Town Attorney
c. Town Clerk
d. Other Staff

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment
- Individuals have three (3) minutes to address the Town Council.
 - Groups will designate a spokesperson. The spokesperson will have five (5) minutes to address the Town Council.
- b. Council Comments

11. CLOSED SESSION

- a. Closed Session to discuss a Legal Matter in accordance with NC GS 143-318.11(a)(3).

POTENTIAL ACTION: Motion to Go Into Closed Session

POTENTIAL ACTION: Motion to Return To Open Session

12. ADJOURNMENT

- a. Adjourn
- POTENTIAL ACTION:** Motion To Adjourn



Town of Clayton
Regular Town Council Meeting Minutes
Monday, December 4, 2023 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:

Mayor Jody McLeod
Mayor Pro Tem Jason Thompson
Council Member Porter Casey
Council Member Andria Archer
Council Member Michael Sims
Council Member Ruth Anderson
Council Member Gretchen Williams

Staff Present:

Rich Cappola, Town Manager
Heidi Holland, Town Clerk
Jim Cauley, Town Attorney
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Robert McKie, Finance Director
Greg Tart, Police Chief
Joshua Baird, Engineering Director
Nathanael Shelton, Communications Officer
Shaun Mizell, Procurement Manager
Patrick Pierce, Economic Development Director
D'Arcy Aman, Administrative Support Assistant
Sam Johnson-Phillips, Deputy Town Clerk
Bruce Venable, Planner
Kenya Walls, Human Resources Director
Steven Mott, Planner II

Council Absent:

Council Member Avery Everett

1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:05 p.m.

b. Honor Guard & Pledge of Allegiance

Presenter: Clayton Fire Department

The Clayton Fire Department provided the Color Guard and led the Pledge of Allegiance.

c. Invocation

Presenter: Mayor McLeod

Mayor McLeod provided the invocation.

2. ADJUSTMENT OF THE AGENDA

a. There were no adjustments of the agenda.

Approve or Adjust the Agenda

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSTAINED:	Ruth Anderson and Gretchen Williams
ABSENT:	Avery Everett

3. CONSENT AGENDA

- a. Suggested Rules of Procedure
Presenter: Heidi Holland, Town Clerk
- b. HR Policies
Presenter: Kenya Walls, Human Resources Director
- c. Authorization of the Sale of Surplus Property Exceeding \$30,000
Presenter: Shaun Mizell, Procurement, Contracts and MWBE Manager
- d. Minutes
 - November 6, 2023 - Regular Session
 - November 20, 2023 - Regular Session
 - November 20, 2023 - Closed Session*Presenter:* Heidi Holland, Town Clerk
- e. Advisory Board By-Laws Update
Presenter: Heidi Holland, Town Clerk
- f. Process for Appointments to Town of Clayton Advisory Boards Update
Presenter: Heidi Holland, Town Clerk
- g. Consent Agenda Utility Acceptance Resolution Ashcroft Section 2, Ph. 1B and 4
- h. Resolution to Acquire Easements for the East Clayton Industrial Area (ECIA) Sewer Improvements Project
Presenter: Louis Duffie, Project Manager
- i. Resolution 2023-89: To Accept Streets into the Town of Clayton Street System for Maintenance – Ashcroft Subdivision, Phase 7
- j. Amended Budget Ordinance (Section 8) and Compensation Plan Scales

RESULT:	CARRIED 4-0
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSTAINED:	Ruth Anderson and Gretchen Williams
ABSENT:	Avery Everett

4. ADMINISTRATIVE ITEMS

- a. Town of Clayton Strategic Plan

Presenter: Dolores Gill, Deputy Town Manager; D'Arcy Aman, Admin. Support Assistant; Shaun Mizell, Procurement, Contracts and MWBE Manager; Patrick Pierce, Economic Development Director

Mrs. Gill Deputy introduced the Clayton Strategic Planning Committee to the Town Council. It was reported last year that a need was noticed to update the Strategic Plan as it comes to an end in 2025. The Committee began working last fall on the evaluation of the current plan with both the Council in the Fall Retreat last year as well as working with the Department Directors to evaluate the effectiveness of the plan. The Committee developed a new strategic plan and coordinated the strategic planning process with the ongoing Master Planning efforts. Ms. Gill made Council aware of several pieces that are going to tie the plan together, both the current Comprehensive Plan, all of the CIP and Master Plans as well as the Master Plans that are not complete and are in development.

Mr. Mizell provided an updated project timeline and how things went through the procurement process. Mr. Mizell stated for this Strategic Plan they were competitive and followed the Town's policies and procedures for procuring services. It was reported they had a RFQ, and the release date was September 19, 2023; Virtual pre-proposed meeting September 27th, 2023; Deadline to submit questions September 29, 2023; Addendum with answers to questions posted October 4, 2023 on the North Carolina EVP system, which is where the RFQ was advertised; Deadline for submissions October 20, 2023; Firm interviews with selection committee November 7-8, 2023. Between that time Mr. Mizell reported as a team they reviewed the RFQs with Mayor McLeod and Council Member Archer and selected three firms to bring in for interviews ultimately choosing Raftelis; Proposal Negotiation November 13, 2023; Town Council Approval/Project Start Date December 4, 2023. Mr. Mizell reported that he has received the signed agreement, the next step will be to get the requisition in place and finally the Town Manager's signature.

Mrs. Gill stated Raftelis was selected based upon their extensive history of providing Consulting Services, wealth of experience as a reliable and knowledgeable partner, dedication to capturing the individuality of the community and the vibrant energy of the consulting team. Mrs. Gill expressed enthusiasm in working with the team from Raftelis. There was further discussion regarding the additional considerations:

- Demonstrated success in guiding communities with comparable growth patterns.
- Evidence of expertise in strategic planning for evolving municipalities.

Mrs. Gill stated they are looking forward to the 6–8-month process in which they would begin working with them. It will begin with several input sessions beginning at the Spring Retreat. Mrs. Gill expressed appreciation and gratitude to the team and everyone that helped.

Mayor McLeod thanked the team for a job well done and expressed excitement that Raftelis is the company they are contracted with to create a new strategic plan for the Town of Clayton. Mayor McLeod stated he is excited to see the results for the entire Town of Clayton.

5. PUBLIC HEARINGS

December 4, 2023
Minutes

6. OLD BUSINESS

- a. Multifamily Housing Revenue Bonds Resolution
Presenter: Robert McKie, Finance Director

Mr. McKie reported Town Staff were approached by Bond Council Maguire Woods to act as a conduit debt issuer for the revenue bonds which led to a follow-up presentation by Bond Council Kristen Kirby and a representative from the developer who came to the retreat on November 9th and provided Council an overview of this project. Discussion continued to state the Town's willingness to act as a conduit debt issuer would not constitute an obligation to repay the bonds. Mr. McKie stated the law gives the Town the authority to issue the Bonds in the absence of a Housing Authority. It was reported that there isn't a Housing Authority in Johnston County. Mr. McKie stated in the tax code a Governmental Agency must issue affordable bonds for them to maintain their taxes in status as well as for the developer to be able to leverage the tax credits that are related to affordable housing. Mr. McKie informed Council the Town's willingness to act as the issuer of the bonds must not be construed as an approval for this proposed affordable housing project for any other purposes including but not limited to zoning land use permitting or any other aspect of the project that could require approval by the Town or any department or agency of the Town.

Council Member Casey asked if the bonds have an expiration date. Mr. McKie responded there isn't a proposed repayment schedule. This is a resolution that states the Town is willing to act as a conduit debit issuer. It was further stated if this project gains approval, it will come before Council and at that point when the bonds are issued there would be a repayment schedule.

Adoption of Resolution #2023-88

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson
SECONDER:	Porter Casey
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSTAINED:	Ruth Anderson and Gretchen Williams
ABSENT:	Avery Everett

- b. General Obligation Bond Resolution Amendment
Presenter: Robert McKie, Finance Director

Mr. McKie stated on August 21st the resolution was approved for issuing the remaining \$4.5 million of General Obligation Bonds related to Parks and Rec. This amendment is aligning the resolution to match the repayment schedule. There is a 15-year maturity term with the first payment commencing on August 1, 2024.

Adoption of Resolution #2023-93

RESULT:	CARRIED 4-0
MOVER:	Porter Casey
SECONDER:	Jason Thompson
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims

NO:	None
ABSTAINED:	Ruth Anderson and Gretchen Williams
ABSENT:	Avery Everett

- c. 2022-125-CZM: Summer Glen Conditional Zoning with Master Plan
(Continued from the November 6, 2023 Meeting)
Presenter: Bruce Venable, Planner I

This item was continued from the November 6, 2023 meeting. The public hearing was held and has been closed.

Mr. Venable spoke on this item. He provided an update on conditions that were changed since it was continued on November 6, 2023. Originally submitted was an ask for 139 lots with a density of 2.60 units per acre for a 53-acre parcel off Glen Laurel and Vinson Road.

Shared were the new proposed conditions. Condition #7, The following standards shall apply to the development:

- Maximum residential units: 138
- Maximum Density: 2.6 dwelling units per acre
- Total Site Impervious Surface Area: 36%
 - 69 lots will be between 7,000 and 7,999 sq. ft.
 - 40 lots will be between 8,000 and 8,999 sq. ft.
 - 8 lots will be between 9,000 and 9,999 sq. ft.
 - 21 lots will be greater than 10,000 sq. ft.
 - (no variation of lots size will be allowed less than 7,000 sq. ft.)

Shared was an original layout that was presented along with a concept plan and site plan narrative. The legend shows there was potentially opportunity to have 6,500 sq. ft. lots. Though none were shown in the layout, it is still presented in case the applicant was approved for the 6,500 sq. ft. minimum. They have provided a new master plan narrative to remove that.

Condition #11 new proposal stated frontage widening improvements shall be constructed prior to the approval of the plat for the corresponding phase of the development.

Condition #12 new proposal stated the following transportation improvements, in accordance with the recommendation in the TIA and approval by the NCDOT, shall be constructed prior to the approval of the plat for the corresponding phase of the development:

Condition #13 new proposal stated Siding elements base package will include premium vinyl siding and allow an upgrade option of Hardi, fiber cement siding, or equivalent including varying patterns such as lap siding, shake and board and batten styles per architectural elevations.

Planning Board did recommend approval and provided consistency statement of reasonableness. He stated the applicant was present.

Andrew Stocks with Stock Engineering was present. He stated since the last meeting, his team has worked diligently as a development team and staff to adjust the proposed master plan narrative to address Council's concerns. He stated tonight represented Wakefield Development, Chesapeake Homes and transportation engineer Britney Chase.

Shared was brief history of the project. He addressed Council Member Casey's question from the last meeting, he stated they looked at the density of the project if they took the resource conservation areas out; there are approximately 4.26 acres of conservation area that comes from the survey buffer of the stream, the surveyed wetlands and the proposed survey boundary. The total 53.6 acres subtracting the 4.26 would give 48.8 acres of area that is outside of the resource conservation areas. He stated it does get slightly denser but it's still less than the 3 units per acre described in the 2045 Comprehensive Plan.

Ms. Chase from Exault Engineering spoke on TIA. She has been practicing traffic engineering since 2003. She is a licensed professional engineer in the State of North Carolina. She stated on call consultants and Exault worked with the Town and NCDOT to determine the scope of the traffic impact analysis. The purpose of the TIA is to determine the impact of the proposed site on the study intersections and identify improvements. They are able to determine site impact by analyzing surrounding study intersections in the future year without the development in place and compare that to how the intersections operate with the development in place.

Idea is when the proposed development is built along with the developer improvements, they want the study intersections to operate similarly to how they would operate without the development. With these studies in place, the intersections are expected to operate at an acceptable level of service C. Results of the TIA show the addition of the site, traffic has a minimal impact on the surrounding roadway network. In response to Council Member Sims questions at the previous meeting, they were contracted by Wakefield Development to determine what size development of this site would have significant impact on the surrounding intersections and trigger the need for improvements. Significant impact would be characterized by a degradation of the intersection level of service. The site would need to consist of 309 units for the level of service at the intersection to drop to a level service D. Level service D is still considered an acceptable level of service.

Mr. Stocks stated they would like to add one condition that was not previously noted. The builder would like to remove the option for the premium vinyl siding to stay with hardy plank or similar material on the exterior of the homes.

Council Member Sims stated there is a reduction in the lots, is that correct? Mr. Stocks stated yes. Council Member Sims stated with that increase of the lot sizes, there was only one home as far as going from 139 to 138, Mr. Stocks stated yes; the actual number on the previous master plan was still 138 and there were a couple areas that it mentioned 139 as the maximum but 138 was shown on the master plan. Council Member Sims asked what the overall square footage of the lots with the combination is, Mr. Stocks stated he did not have that information.

Council Member Sims asked Ms. Chase about the TIA study. He asked what comes into that for the peak hours during school hours? She stated they did include traffic data collection and extended the time period. He asked if the analysis is based on what is there now, which is no development, she stated yes. He asked if the next study she would do would be with a subdivision there, she stated that is correct. She provided the trip generation, which was performed for 135 units, there is 1,370 trips per day; in the AM it's 101 and in the PM peak it's 135. To account for the additional three units, a good rule of thumb is one trip per unit in the PM peak hour and 10 trips per unit in the daily.

Council Member Archer asked Ms. Chase to show what the improvements would look like at the intersection, the storage, the lanes being added, the signal that would be proposed; Ms. Chase provided a slide of this. She stated there would be turn lanes and in addition to those, the developer is required to do frontage improvements as well. She stated there would be a 2 lane with two way left turn lane, curb and gutter, bike lanes and sidewalks. Council Member Archer stated condition #12 for the stoplight, the first bullet, she asked Ms. Chase to elaborate on that. The signal is expected to be built in early 2024; the design has already been completed. Council Member Archer stated the way the condition is worded, it would hinge on DOT's decision and timing? Mr. Stocks stated the intent was it's not necessarily a condition it's just stating DOT is installing an improvement of the signal there and the coordination with them has been done to verify the locations of the proposed poles. Council Member Archer stated she believes the wording has changed, her concern is the way she reads this is there is nothing the Town could do should the subdivision build out and the DOT that they are delaying abandoning the plans for the signal. Ms. Chase stated there is wording in the DOT approval in their review of the TIA that says if any of the committed improvements fall through, the developer would either need to construct those or submit additional analysis to show that they are not necessary. Council Member Archer stated that is something she would need to see.

Mr. Stocks pulled a document and stated it was DOT's congestion management approval of the TIA, he stated he is not sure if it is in there or not. Ms. Chase stated it is. She stated it says the background improvements by others if these improvements are not in place at time of construction site should provide these improvements or analysis demonstrating mitigation is not necessary. Council Member Archer asked if staff has had a chance to review that document. Joshua Baird, Engineering Director stated he has not seen that. He stated if that is a concern one thing to consider would be adding that to the condition. Council Member Archer stated that is what she would need. She asked if that is something they would be in approval with? Mr. Stocks stated because it's in the DOT's approval letter, he doesn't think they have a choice but can add it to that condition.

Council Member Casey asked about the DOT stoplight improvements, would there be a left turn to turn down Vinson Road? Ms. Chase stated there would not be turn lanes associated with the signal going in, just the signal. He asked if that is classified as service C as it is right now, she stated it would be level service C at buildout, she stated it's unsignalized, so it's looked at differently; westbound level service is service E.

Council Member Casey stated part of the discussion at the last meeting was the amenity package, he asked if anything had been changed with this? Mr. Stocks stated

the development team is still in conversation with Neuse Country Club and East Triangle YMCA about potential membership for a trial period membership; there is not an agreement. There was further discussion on other amenities as options and it was decided that it would be best to move forward with offering or requiring the hardy plank full buildout rather than any other amenities. Mr. Stocks stated they would still follow the code regarding the open space, that is not changing.

Council Member Casey discussed the minimum lot size. For clarification he asked if there was any reduction in lot units, he asked if they have taken lots that were of larger size and incorporated those into smaller lots, Mr. Stocks stated that was correct; this did not change the density of the overall project. Mike Baus with Wakefield Development spoke. He stated Council Member Casey talked about working with the community at large; he stated the builder is here tonight and committed to working with somebody with the local YMCA; they would provide a package to the new homeowner with an annual membership to the local YMCA. He stated they have spoken with them but can't make the commitment because they don't have the zoning. If the zoning is approved, they would finalize the commitment. This membership would be for one year.

Council Member Casey stated the last-minute decision to add the hardy plank, why the decision now? Mr. Stocks stated the biggest reason is they weren't with the home builder until they were driving in this afternoon.

Mayor McLeod stated with no further discussion he would turn this over to Council for their deliberation.

Council Member Archer stated she watched previous videos today of what was requested and for what she looked for they have met the criteria. With the additional explanation and information this evening about the TIA, she has concerns about traffic. She stated there are a lot of pros and cons and made difficult by the fact of the school and there's already a traffic problem associated with this area. She does not think Council can hold this parcel and development responsible for the current traffic problem. With this number of units she thinks it unrealistic to expect a complete amenity center. The fact of trying to put something together with the YMCA is a step in the right direction. She stated the hardy plank was also a condition she felt strongly about and has met the criteria. She stated with receiving some materials this morning, if there is more time needed by Council to comb through this and make an informed decision, she is fine with continuing to the next meeting.

Council Member Sims stated his concern is the school is so close. Even with a light going in, he still has concerns. He stated he thinks they need to start looking at increasing the square footage a little more. Council Member Casey stated this area is zoned for residential estate which is low density. In that situation it would be a 12,000 sq. ft. lot for the minimum with certain open space requirements or it would be a 20,000 sq. ft. lot without the open space requirements. In this situation, the applicant is looking for reprieve on our lot size square footages. He stated his concern is still with the minimum lot size being that small. He feels it's not conducive to the general area.

Mayor Pro Tem Thompson stated he felt more inclined to approve this at the last meeting than tonight. He is disappointed in the presentation tonight, especially after

hearing the details from the traffic engineer. He stated he does agree with Council Member Casey on the lot sizes.

Mayor McLeod stated for those in opposition, he has never received so many emails from citizens not in favor of this rezoning and proposed development. He stated an amenity is not working out a deal with a country club or working with YMCA. He also has concerns about the traffic. He stated he received a copy of a petition that has been submitted with over 600 signatures in opposition.

Attorney Cauley stated he thinks with the change in Council Members, he would advise that if this is to be continued, that the hearing be reopened. Council Member Archer stated she is in favor of voting for this. Council Member Casey asked if there could be any discussion from the applicant to revisit the lot sizes or amenities? Council Member Casey made a motion to deny this item.

Adoption of Ordinance #2023-09-02 & Statement of Consistency & Reasonableness. Motion was made to deny this item.

RESULT:	FAILED 1-3
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Andria Archer
NO:	Jason Thompson, Porter Casey, and Michael Sims
ABSTAINED:	Ruth Anderson and Gretchen Williams
ABSENT:	Avery Everett

Adoption of Resolution #2023-70

RESULT:	FAILED 1-3
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Andria Archer
NO:	Jason Thompson, Porter Casey, and Michael Sims
ABSTAINED:	Ruth Anderson and Gretchen Williams
ABSENT:	Avery Everett

7. ORGANIZATIONAL MEETING

- a. Recognition of Outgoing Council Members
Presenter: Mayor McLeod

Mayor McLeod stated for the last 12 years it's been a pleasure and honor to work with Jason Thompson. He stated you would never find a more committed citizen, he is steadfast and true to staff and to the citizens of Clayton. He has demonstrated true spokesperson and modeled public leadership. Mayor McLeod presented Mayor Pro Tem Thompson with a plaque. Mayor Pro Tem Thompson thanked his family for supporting him and thanked the elected officials that came before him. He thanked former Council Members who inspired him. He stated to the employees of the Town, he did this for them. He wished the new Council Members all the best and stated he wanted them to succeed. He motioned to give full-time employees a \$1,000 bonus and

part-timers that are eligible to for merit a \$500 bonus.

Motion to give full-time employees a \$1,000 bonus and part-timers that are eligible to for merit a \$500 bonus

RESULT:	CARRIED 4-0
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Andria Archer, and Michael Sims
NO:	None
ABSTAINED:	Ruth Anderson and Gretchen Williams
ABSENT:	Avery Everett

b. Swearing-In of Newly Elected Council Members

- Ruth Anderson - Oath to be Issued by Mayor Jody L. McLeod
- Gretchen Williams - Oath to be Issued by The Honorable Addie Rawls
- Mayor McLeod - Oath to be Issued by Town Clerk Heidi Holland

Oaths were provided to the new Council Members Ruth Anderson and Gretchen Williams and Mayor McLeod.

8. RECESS & RECEPTION

a. Recess the Meeting

Mayor McLeod recessed the meeting at 7:25 p.m. and called for a 45-minute break.

b. Return to Regular Session

The meeting was called back to order at 8:16 p.m.

9. MAYOR PRO TEM SELECTION AND COUNCIL APPOINTMENTS

a. Nomination and Selection of Mayor Pro Tem

Council Member Archer nominated Council Member Sims for the position of Mayor Pro Tem.

Motion to Nominate Council Member Sims for Mayor Pro Tem

RESULT:	CARRIED 4-0
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Ruth Anderson, and Gretchen Williams
NO:	None
ABSTAINED:	Jason Thompson and Michael Sims
ABSENT:	Avery Everett

b. Council Liaison to Advisory Board and Committee Assignments

Presenter: Mayor McLeod

Mayor McLeod made his selection for Council Liaisons to Advisory Boards and

Committee Assignments.

Council Liaison to Advisory Board and Committee Assignments

- Board of Adjustment Council Liaison - Ruth Anderson
- Planning Board Council Liaison - Andria Archer
- Parks & Recreation Advisory Board Council Liaison - Ruth Anderson
- Public Art Advisory Board Council Liaison - Porter Casey
- Fire Advisory Board Council Liaison - Michael Sims
- Library Advisory Board Council Liaison - Gretchen Williams
- Downtown Development Advisory Board Council Liaison - Porter Casey
- Clayton Community Recreation Foundation Board Council Ex-Officio - Michael Sims
- CAMPO Primary - Porter Casey
- CAMPO 1st Alternate - Andria Archer
- CAMPO 2nd Alternate - Gretchen Williams
- NC League of Municipalities - Jody McLeod
- Triangle J COG Delegate - Ruth Anderson
- Triangle J COG Alternate - Jody McLeod

10. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Harvest Festival Update

Presenter: Dana Wooten, Chamber of Commerce President CEO

This item was moved to the December 18, 2023 meeting.

11. NEW BUSINESS

- a. Memorandum of Agreement: Triangle Water Supply Partnership Agreement

Presenter: Joshua Baird, Engineering Director

Mr. Baird stated this is related to Triangle Water Supply partnership. This partnership began in 2009 as the Jordan Lake partnership and it was comprised of those water utilities that pulled water from Jordan Lake. He stated the partnership has expanded to the region and has expanded to other utilities that are outside of those that pulled just from Jordan Lake and this has become a collaborative approach for utilities of the region. They are pulling from Cape Fear, Neuse, Jordan Lake and really a collaborative effort to plan for the future for a water supply model and water supply plan for the entire region.

There are about 10 or 11 different communities that are part of the partnership to date. He feels it's important to become part of this group to collaborate. He would continue to work with the County but also on a regional scale through this partnership. There would be a yearly cost of \$18,000 a year.

Approval of MOU Agreement

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Michael Sims

YES:	Porter Casey, Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None
ABSTAINED:	Jason Thompson
ABSENT:	Avery Everett

12. STAFF REPORTS

a. Town Manager

Mr. Cappola thanked Jason Thompson for all his years of service. He reminded Council of the parade this Saturday at 3:00 p.m.

b. Town Attorney

c. Town Clerk

d. Other Staff

- Town Events Update

Presenter: Patrick Pierce, Economic Development Director

Mr. Pierce shared an update on holiday events in the Town. He discussed Small Business Saturday. This was a great turnout with a record day. Purchased were shopping local bags which were gone by 11:00 a.m. He recognized what a great success the Harvest Festival was, and he recognized the storefront decorating winners. He shared details of the Christmas Village and Tree Lighting.

13. OTHER BUSINESS

a. Informal Discussion & Public Comment

- Individuals have three (3) minutes to address the Town Council.
- Groups will designate a spokesperson. Spokesperson will have five (5) minutes to address the Town Council.

Ben Chapman was present and spoke about his return to Council to advocate for LGBTQ people living in Clayton and Johnston County.

b. Council Comments

Mayor Pro Tem Sims thanked Council for nominating him as Mayor Pro Tem. He is truly humbled and hopes to serve them as best he can. Council Member Casey stated he looks forward to working with Council Member Williams and Council Member Anderson and Council Member Sims' leadership is phenomenal.

14. CLOSED SESSION

- Presenter:* To Discuss Legal Matter in Accordance with NC GS 143-318.11(a)(3); To Discuss Economic Development in accordance with NC GS 143-318.11(a)(4) and To Discuss Purchasing of Real Property in Accordance with NC GS 143-318.11(a)(5)

Motion To Go Into Closed Session

RESULT:	CARRIED 5-0
MOVER:	Michael Sims
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None
ABSTAINED:	Jason Thompson
ABSENT:	Avery Everett

Motion To Return To Open Session

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Porter Casey, Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None
ABSTAINED:	Jason Thompson
ABSENT:	Avery Everett

15. ADJOURNMENT

a. Adjourn

With nothing further, there was a motion to adjourn at 9:32 p.m.

Motion To Adjourn

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Porter Casey, Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None
ABSTAINED:	Jason Thompson
ABSENT:	Avery Everett

Duly adopted by the Town Council this 2nd day of January 2024, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk

December 4, 2023
Minutes



Town of Clayton
Regular Town Council Meeting Minutes
Monday, December 18, 2023 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:

Mayor Jody McLeod
Council Member Porter Casey
Council Member Andria Archer
Mayor Pro Tem Michael Sims, Council
Member Ruth Anderson
Council Member Gretchen Williams

Staff Present:

Rich Cappola, Town Manager
Heidi Holland, Town Clerk
Jim Cauley, Town Attorney
Lee Barbee, Deputy Town Manager
Robert McKie, Finance Director
Greg Tart, Police Chief
Joshua Baird, Engineering Director
Nathanael Shelton, Communications Officer
Sam Johnson-Phillips, Deputy Town Clerk
Patrick Pierce, Economic Development Director
Conrad Olmedo, Planning Director

Council Absent:

None

1. CALL TO ORDER

- a. Call to Order

Mayor McLeod called the meeting to order at 6:01 p.m.

- b. Pledge of Allegiance

Mayor McLeod led the Pledge of Allegiance.

- c. Invocation

Mayor McLeod provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

- a. Mr. Cappola stated item 5a. Harvest Festival Update would be removed from tonight's agenda and put on the January 2, 2024 agenda.

Approve or Adjust the Agenda

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Porter Casey, Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None

3. CONSENT AGENDA

- a. Minutes
 - November 9, 2023 - Council Retreat
 - December 4, 2023 - Work Session
 - December 4, 2023 - Closed Session

Presenter: Heidi Holland
- b. Comprehensive List of Fees
Presenter: Robert McKie - Finance Director
- c. Amended Budget Ordinance (Section 8) and Compensation Plan Scales - CORRECTION
- d. Resolution 2023-97 instructing the Clerk to check for sufficiency and to set a public hearing date for 2023-138-ANX Leland A. Blessl Barbour Annexation
Presenter: Bruce Venable, Planner I
- e. RESOLUTION 2023-98 Directing the Clerk to check for sufficiency and set a public hearing date for 2023-161-ANX LAWSON GLEN ANNEXATION
- f. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phase 1 K
- g. Water and Wastewater Capacity Agreement - NovoNordisk
Presenter: Joshua Baird, P.E. - Engineering Director, Acting Water Resources Director

Approve Consent Agenda as Presented

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Porter Casey, Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None

4. ADMINISTRATIVE ITEMS

- a. Advisory Board Appointments
Presenter: Heidi Holland, Town Clerk

Ms. Holland stated all boards, except DDA, had expiring upcoming terms. Applications were received, interviews were complete and provided were the recommendations for these boards.

Fire Advisory Board:

Jeffrey Stallings, Joel Gates, Jason Thompson, Daryle Harris, Chris Carter, Karen Patterson, Alternate - Stacey Turner, Alternate - Kristy Dean

Planning Board

Daniel Gleason, Mike Surasky, Anita Bland, Alternate - Jeffrey Spence

Library Advisory Board

Beth Inman, Jill King, Katie Tompkins, Eugene Wheeler, Julia Curran, Makayla Walden

Parks and Recreation Advisory Board

Carol Houston, Rebecca Bradford, Kuanyu Chen, Austin Cross, Alternate - Omar Mincey

Public Art Advisory Board

Kim Helmer, Tammy Murray, Clark Hipolito, Tamara Smallwood, Joanne Thomas, Alternate - Jess Stambaugh

Board of Adjustment

Jim Perricone, Joseph Warta

Approval of Recommendations

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Porter Casey, Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Harvest Festival Update
Presenter: Dana Wooten, Chamber of Commerce President CEO

This item was removed and would be on the January 2, 2024 agenda.

6. PUBLIC HEARINGS

7. OLD BUSINESS

8. NEW BUSINESS

9. STAFF REPORTS

- a. Town Manager
Mr. Cappola stated last week was the bid opening for final of three projects from Parks and Rec. bond. There were three bidders, and it does appear there would be a favorable award to recommend hopefully at the next meeting. He stated he and Robert McKie, Finance Director, would be involved in some credit presentations to both Moody's and S&P tomorrow. He stated the Town is currently one notch below AAA and are hopeful to be able to stay there or get notched up. This puts the Town in a favorable place for the January bond sale.

He wished everyone a Merry Christmas and a Happy New Year and reminded all that Town facilities would be closed Monday, Dec. 25; Tuesday, Dec. 26 and Wednesday, Dec. 27 as well as New Year's Day.

- b. Town Attorney

- c. Town Clerk
- d. Other Staff

System Development Fees (SDF) Update

Presenter: Joshua Baird, Engineering Director/Interim Water Resources Director

Mr. Baird provided an update on the system development fees. He shared on October 2, 2023, Robert Chambers from Black & Veatch was present at the meeting to provide an update on the analysis for the total cost of the fees. Provided was a quick recap.

State statute requires a 45-day comment period which the Town did meet; no comments were received. The plan is to move forward requesting adoption at the public hearing at the January 2, 2024 meeting.

He stated they would be seeking a phased approach based on the study which determines the total maximum that can be charged. Shared was a proposed implementation plan which included a first increase January 3, 2024 and to recommend adopting a per gallon rate increase and capacity purchases. Proposed is for each fiscal budget year, adopting a new fee. Any meter larger than 5/8" up to 2.0", it would be based on the equivalency factor of the amount of flow can go through.

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment
 - Individuals have three (3) minutes to address the Town Council.
 - Groups will designate a spokesperson. Spokesperson will have five (5) minutes to address the Town Council.
- b. Council Comments

Mayor McLeod stated he would like to wish everyone a Merry Christmas and a Happy New Year. He stated he appreciates the citizens of the Town.

11. CLOSED SESSION

- a. To Discuss Economic Development in Accordance with NC GS 143-318.11(a)(4) and To Discuss Purchasing of Real Property in Accordance with NC GS 143-318.11(a)(5)

Motion To Go Into Closed Session

RESULT:	CARRIED 5-0
MOVER:	Michael Sims
SECONDER:	Porter Casey
YES:	Porter Casey, Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None

Motion To Return To Open Session

RESULT:	CARRIED 5-0
MOVER:	Michael Sims

SECONDER:	Andria Archer
YES:	Porter Casey, Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None

12. ADJOURNMENT

a. Adjourn

With nothing further, the meeting was adjourned at 7:05 p.m.

Motion To Adjourn

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Porter Casey, Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None

Duly adopted by the Town Council this 2nd day of January, 2024 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk

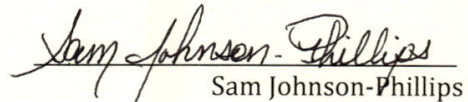
ANNEXATION PETITION 2023-161-ANX
Lawson Glen Annexation
DESCRIPTION/ADDRESS: 05H04031D
Contiguous; 27.3 acres

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Clayton, North Carolina:

I, Sam Johnson-Phillips, Deputy Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.(c).

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this the 19th day of December 2023.


Sam Johnson-Phillips
Deputy Town Clerk

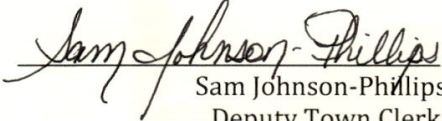
ANNEXATION PETITION 2023-138-ANX
Leland A. Blessl Barbour Annexation
DESCRIPTION/ADDRESS: 05G01012D
Contiguous; .4330 acres

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Clayton, North Carolina:

I, Sam Johnson-Phillips, Deputy Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.(c).

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this the 19th day of December 2023.


Sam Johnson-Phillips
Deputy Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

January 2, 2024

Agenda Location

CONSENT AGENDA

Item Title

2024 Holiday Schedule Revised

Presenter(s)

Heidi Holland, Town Clerk

Suggested Action

Place on Consent Agenda

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☐
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing

- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☐ None Required

Summary

This holiday schedule for the Christmas break has been revised, the Town will now be closed Tuesday, Dec. 24; Wednesday, Dec. 25; and Thursday, Dec. 26. This resolution will replace resolution #2023-72.

Funding Source

N/A

Corresponding Documentation

[2024 Holiday Schedule](#)

Submitted By: Heidi Holland, Clerks

Reviewed By:

Heidi Holland, Town Clerk

Approved - Dec 21 2023

**TOWN OF CLAYTON
2024 HOLIDAY SCHEDULE**

BE IT RESOLVED that the Town Council of Clayton hereby adopt the 2024 Holiday Schedule as presented. This resolution will replace Resolution #2023-72.

TOWN OF CLAYTON 2024 HOLIDAY SCHEDULE		
Holiday	Observance Date	Day of Week
New Year's Day	January 1, 2024	Monday
Martin Luther King, Jr. Birthday	January 15, 2024	Monday
Good Friday	March 29, 2024	Friday
Memorial Day	May 27, 2024	Monday
Juneteenth	June 19, 2024	Wednesday
Independence Day	July 4, 2024	Thursday
Labor Day	September 2, 2024	Monday
Veterans Day	November 11, 2024	Monday
Thanksgiving	November 28 & 29, 2024	Thursday & Friday
Christmas	December 24, 25 & 26, 2024	Tuesday, Wednesday, & Thursday

Duly adopted this 2nd day of January, 2024, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Heidi L. Holland, CMC, NCCMC
Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

January 2, 2024

Agenda Location

CONSENT AGENDA

Item Title

Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation petition 2023-101-ANX Rocky Branch Farm, LLC

Presenter(s)

Bruce Venable, Planner I

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media

- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey

☐ Special Mailing

☒ None Required

Summary

2023-101-ANX Rocky Branch Farm, LLC. The applicant is petitioning the Town to annex +/- 73.753 acres of real property into the Town's corporate limits. This is a non-contiguous annexation that is outside of the Town's ETJ, and currently resides within Johnston County's jurisdiction.

Background/History

This petition is associated with the Vinson Road Conditional Zoning W/ Master Plan Project 2022-195-CZM which has not been presented before the Town Council at this time.

Recommendation

Town Staff recommends approval of the resolution.

Funding Source

N/A

Corresponding Documentation

[1 2023-101-ANX Staff Report Rocky Branch Farm, LLC](#)

[2 Excuted Petition 2023-101-ANX Rocky Branch Farm, LLC](#)

[3 2023-101-ANX Legal Description](#)

[4 2023-101-ANX PLAT](#)

[2023-101-ANX Resolution Directing Clerk To Investigate Non-Contiguous](#)

[6 Ordinance 2023-101-ANX Rocky Branch Farm, LLC Non-Contiguous](#)

Submitted By: Bruce Venable, Planning

Reviewed By:

Conrad Olmedo, Planning Director

Approved - Dec 22 2023

Rich Cappola, Town Manager

Approved - Dec 28 2023

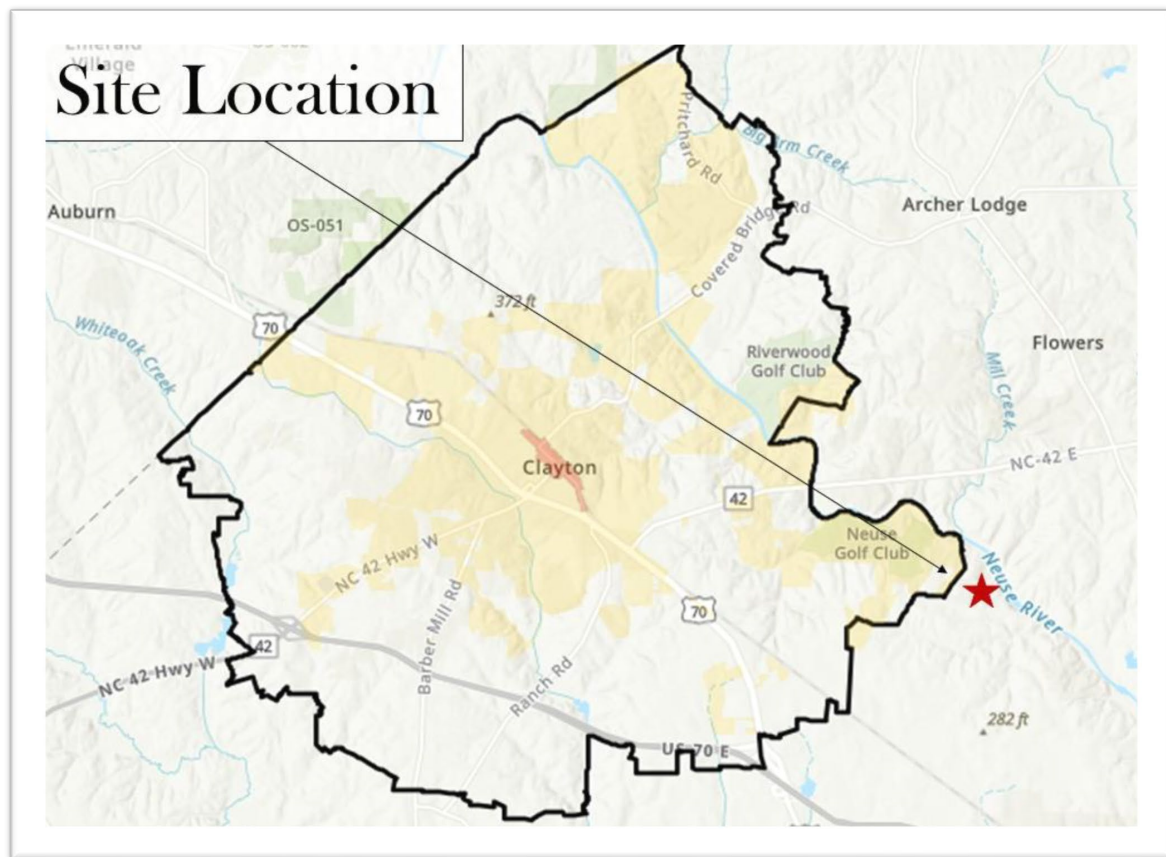
Heidi Holland, Town Clerk

Approved - Dec 28 2023



ROCKY BRANCH FARM, LLC ANNEXATION

Project #:	2023-101-ANX	Location:	The parcel is located along Vinson Road across from the Green Windsor Subdivision within Johnston County.
Applicant:	ROCKY BRANCH FARM, LLC	Project Type:	ANNEXATION
Property Owner:	ROCKY BRANCH FARM, LLC	Proposed Use:	RESIDENTIAL
Staff Planner:	STEVEN MOTT, PLANNER II	TAG #s):	05J05030F



PROJECT SUMMARY

The site is located off Vinson Road and near the Windsor Green Subdivision. The applicant has petitioned the Town to be annexed into the corporate limits of the Town of Clayton to obtain Town services. This project is attached to the Vinson Road Conditional Zoning Master Plan that has been submitted concurrently with this petition for annexation. This parcel is **NOT** within Clayton's ETJ and would be considered a satellite annexation.

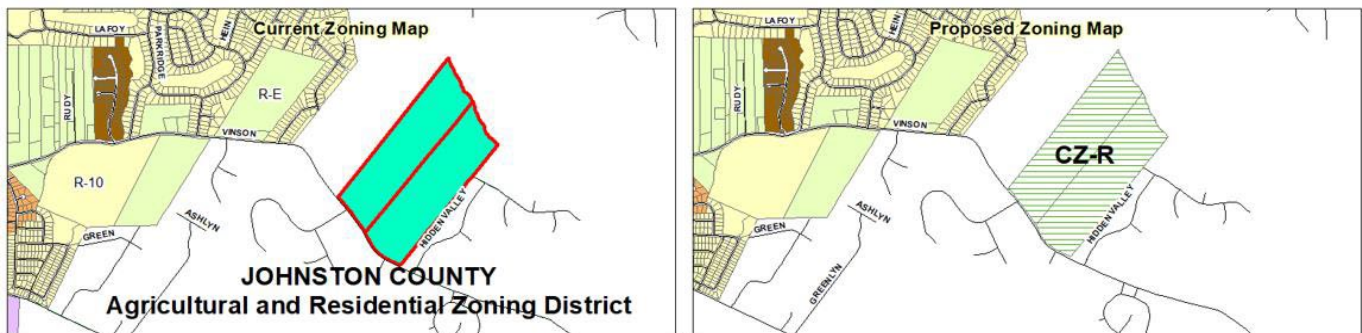
Fire District: The property is located within the Wilson Mills Fire District. The Applicant has fulfilled all requirements found in G.S 160A-58.58: Assumption of Debt.

SITE DATA:

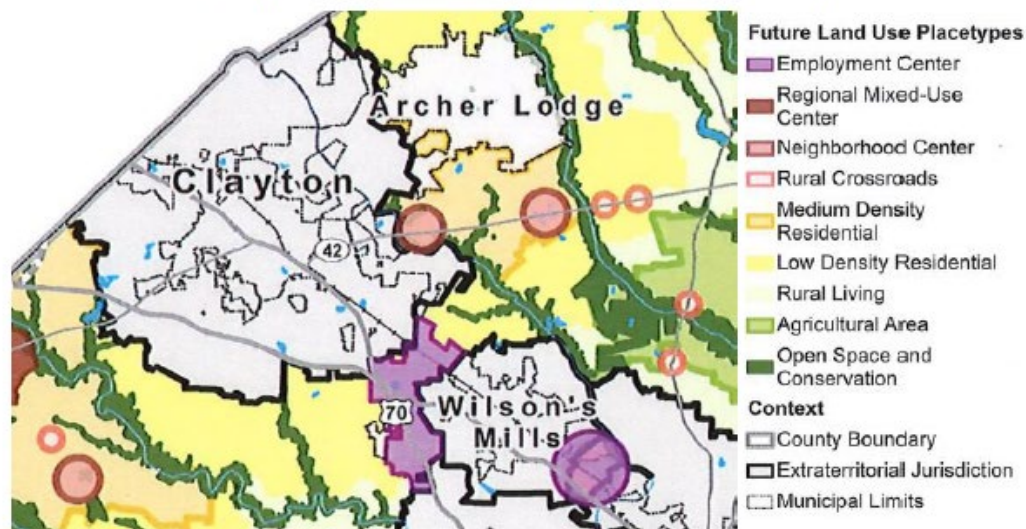
Acreage: +/- 73.753 acres

Existing Use: Vacant

FUTURE LAND USE MAP



Envision Johnston Future Land Use Map (Johnston County)



AERIAL MAP



ATTACHMENTS:

- 1) Staff Report
- 2) Petition for Annexation
- 3) Legal Description of Metes and Bounds
- 4) Annexation Plat
- 5) Annexation Ordinance



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Review Fee:

Application Review Fee: \$200

Advertisement Fee: \$200

Please note that fees are subject to change annually

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application

1. **Application Type:** ☐ Individual ☐ Corporation ☒ LLC ☐ Partnership
2. **The proposed annexation will be:** ☐ Contiguous Annexation ☒ Non-Contiguous Annexation
3. **Does the proposed annexed parcel(s) need to be rezoned?** ☒ Yes ☐ No
If 3 acres or more please submit a rezoning application to be run concurrently.

Property Information

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.
- *If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.*
2. The area to be annexed is ☐ contiguous, ☒ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.
- Total Acreage to be annexed: 73.923 Existing Housing Units: 0
- Population of acreage to be annexed: 0 Fire District: Wilson's Mills
- Existing Zoning District*: AR Proposed Town Zoning District*: CZ-R
- County Recorded Plat Book and Page #: Tract #12 Plat Book 22, Page 197
- Reason for petitioner to annex: ☒ Receive Town Services ☐ Other (please specify): _____
5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate on the following page, and attach proof.)

FOR OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ Petition Number: _____

This page must be notarized prior to submitting to the Town for review

Complete ONLY if applying for an individual annexation and if property is owned by individual (s):

Please Print

Signature

Please Print

Signature

Complete ONLY if applying for a Corporation Annexation:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this ____ day of _____, 20____.

Corporate Name: _____

SEAL

By: _____
(Signature)

Attest: _____
Secretary (Signature)

Complete ONLY if applying for a Limited Liability Company Annexation:

In witness whereof, Rocky Branch Farm, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20²³.

Name of Limited Liability Company: Rocky Branch Farm, LLC

By: [Signature], Manager
Signature of Member/Manager

Complete ONLY if applying for a Partnership Annexation:

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20____.

Name of Partnership: _____

By: _____
Signature of General Partner

By: _____

By: _____
Signature of General Partner

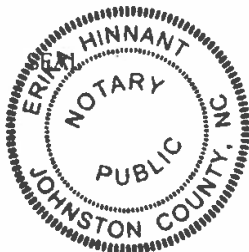
By: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Erika Hinnant, a Notary Public for the above State and County, this 16th day of June, 20²³.

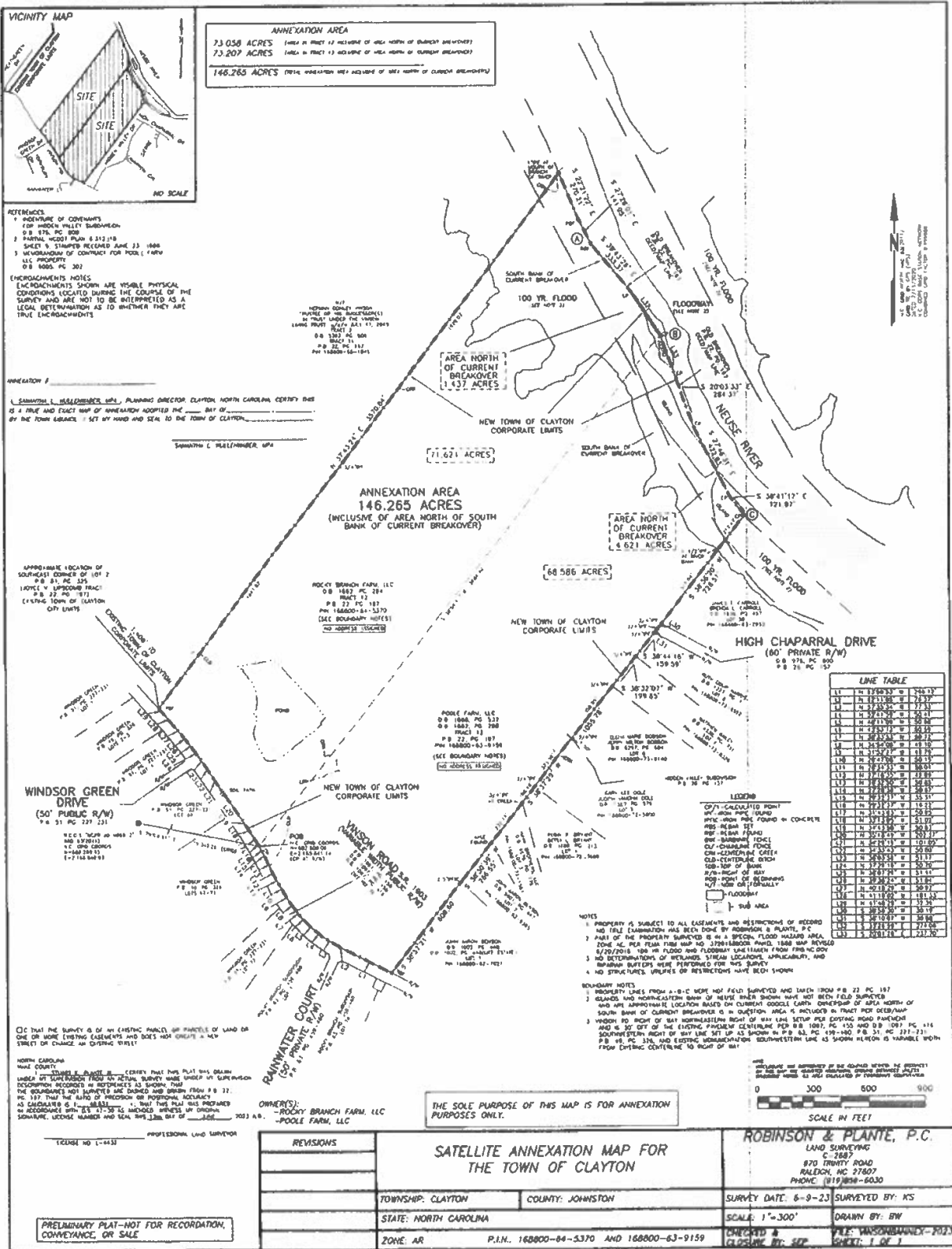
[Signature]
Notary Public

My Commission Expires: 12/19/2023



Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	Leave 2-inch by 2-inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.



ANNEXATION MAP FOR THE TOWN OF CLAYTON

Beginning at a calculated point, said point being the Southeast corner of Tract 12, Rocky Branch Farm, LLC and on the Northeastern Right of Way line of Vinson Road, (S.R. 1903) (Variable width Public Right of Way). Said point having N.C. Grid Coordinates (NAD83/2011) of N=682,606.06, E=2,185,841.14, thence from said beginning point along the Northeastern Right of Way line of Vinson Road, North 29°32'37" West 16.22' to a calculated point, thence North 31°43'03" West 50.95' to a calculated point, thence North 33°13'05" West 51.02' to a calculated point, thence North 34°43'50" West 50.63' to a calculated point, thence North 35°18'49" West 202.37' to a calculated point, thence North 34°29'19" West 101.05' to a calculated point, thence North 34°33'43" West 50.80' to a calculated point, thence North 36°03'56" West 51.17' to a calculated point, thence North 37°29'16" West 50.70' to a calculated point, thence North 38°07'29" West 51.11' to a calculated point, thence North 39°38'24" West 51.04' to a calculated point, thence North 40°18'29" West 50.92' to a calculated point, thence North 41°19'02" West 101.33' to a calculated point, thence North 41°48'29" West 32.39' to an existing rebar at the Southwestern corner of Tract 12, thence leaving said Right of Way line of Vinson Road along the Northern Property line of Tract 12 Rocky Branch Farm, LLC, North 37°43'24" East 3,570.84' to an existing 1" iron pipe at mouth of branch at the Neuse River, thence along the old Neuse River Breakover as described on Plat Book 22, page 197, Johnston County Registry, South 22°21'22" East 270.21' to an existing rebar, thence South 27°28'01" East 141.95' to an existing rebar, thence South 39°43'26" East 333.37' to a calculated point, thence South 33°26'59" East 274.06' to a calculated point, said point being the common corner between Tract 12, Rocky Branch Farm, LLC and Tract 13, Poole Farm, LLC, Thence continuing with the old Neuse River Breakover as described on Plat Book 22, Page 197, Johnston County Registry, South 20°01'28" East 237.70' to a calculated point, thence South 20°03'33" East 284.37' to a calculated point, thence South 27°46'31" East 422.63' to a calculated point, thence South 38°41'17" East 121.97' to a calculated point, thence leaving said old Neuse River Breakover, South 38°36'20" West 728.51' to an existing 3/4" iron pipe, said point being at the Northwestern Right of Way line of High Chaparral Drive (60' Private Right of Way), thence along High Chaparral Drive right of way South 38°58'30" West 30.19' to an existing 3/4" iron pipe, thence South 38°10'07" West 30.88' to an existing 3/4" iron pipe at the Southwestern Right of Way line of High Chaparral Drive, thence leaving said Right of Way South 38°44'16" West 159.59' to an existing 3/4" iron pipe, thence South 38°32'07" West 199.85' to an existing 3/4" iron pipe, thence South 38°37'29" West 1,055.78' to an existing axle, thence South 38°30'39" West 266.55' to an existing iron pipe found in concrete, thence South 38°37'21" West 608.60' to an existing rebar, said point being on the Northwestern Right of Way line of Vinson Road (SR 1903) (Variable Width Public Right of Way), thence along said right of way line, North 63°50'53" West 266.12' to a calculated point, thence North 62°11'05" West 76.57' to a calculated point, thence North 57°35'34" West 77.33' to a calculated point, thence North 52°41'59" West 50.41' to a calculated point, thence North 48°11'09" West 50.98' to a calculated point, thence North 43°53'12" West 50.59' to a calculated point, thence North 38°33'53"

West 50.72' to a calculated point, thence North 34°54'08" West 49.10' to a calculated point, thence North 31°52'27" West 49.79' to a calculated point, thence North 29°47'08" West 50.15' to a calculated point, thence North 28°34'33" West 50.01' to a calculated point, thence North 27°16'35" West 49.89' to a calculated point, thence North 26°32'50" West 50.85' to a calculated point, thence North 27°28'38" West 50.67' to a calculated point, thence North 29°32'37" West 35.31' to the point and place of Beginning, containing 146.265 Acres more or less.

0-0445826

FILED

9:00 AM

DEC 23 1997

973579041

State of North Carolina
Department of the Secretary of State
**LIMITED LIABILITY COMPANY
ARTICLES OF ORGANIZATION**

EFFECTIVE
ELAINE F. MARSHALL
SECRETARY OF STATE
NORTH CAROLINA

Pursuant to §57C-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: Rocky Branch Farm, LLC
2. The latest date on which the limited liability company is to dissolve is: December 31, 2050
3. The name and address of each organizer executing these Articles of Organization is as follows (at least one person must execute this document; attach additional pages if necessary):

Turner Vinson
2705 Powhatan Road
Clayton, NC 27520

4. The street address and county of the initial registered office of the limited liability company is:

Number and Street 2705 Powhatan Road

City, State, Zip Code Clayton, North Carolina 27520 County Johnston

5. The mailing address if different from the street address of the initial registered office is: n/a
6. The name of the initial registered agent is: Turner Vinson
7. Check one of the following:

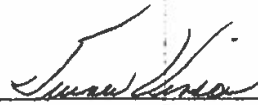
- ☐ (i) Member-managed LLC: all of the members by virtue of their status as members shall be managers of this limited liability company.
- ☒ (ii) Manager-managed LLC: except as provided by N.C.G.S. §57C-3-20(a), the members of this limited liability company shall not be managers by virtue of their status as members.

Any other provisions which the limited liability company elects to include are attached.

These Articles will be effective upon filing, unless a date and/or time is specified: n/a

This the _____ day of _____, 1997.

Signature



Signature

Type or Print Name and Title

Turner Vinson, Organizer

Type or Print Name and Title

NOTES:

Filing fee is \$125. This document and one exact or conformed copy of these Articles must be filed with the Secretary of State.
CORPORATIONS DIVISION 300 N. SALISBURY STREET

RALEIGH, NC 27603-5909

Rocky Branch Farm, LLC Property - Tract 12
Satellite Annexation For the Town of Clayton

BEGINNING at a calculated point, said point being the southeast corner of Tract 12, Rocky Branch Farm, LLC, Deed Book 1662, Page 284 Johnston County Registry and in the Right of Way of Vinson Rd, (S.R. 1903) (Variable Width Public Right of Way) said point having N.C. Grid Coordinates (NAD83/2011) of N=682,579.45, E=2,185,819.66, thence from said BEGINNING point, running in said right of way North 27°23'17" West 28.49' to a calculated point, thence North 34°57'44" West 656.54' to a calculated point, thence North 41°20'46" West 47.02' to a calculated point, thence North 41°20'26" West 179.75' to a calculated point, thence North 37°43'24" East 31.84' to a rebar found on the Northwestern Right of Way of Vinson Road, thence leaving said right of way North 37°43'24" East 3,570.84' to an existing 1" iron pipe found at mouth of branch at the Neuse River, thence along the Old Neuse River Breakover as described on Plat Book 22, page 197, Johnston County Registry South 22°21'22" East 270.21' to a rebar found, thence South 27°28'01" East 141.95' to a rebar found, thence South 39°43'26" East 333.37' to a calculated point, thence South 33°26'59" East 274.06' to a calculated point, said point being the common corner between Tract 12, Rocky Branch Farm, LLC and Tract 13, Poole Farm, LLC, thence leaving said Old Neuse River Breakover and crossing the Northeastern Right of Way line of Vinson Road (S.R. 1903) (Variable Width Public Right of Way) South 38°54'41" West 3,498.60' to the point and place of BEGINNING containing 73.753 Acres more or less (Inclusive of area north of south bank of current breakover and area in right of way).

**RESOLUTION 2024-05 DIRECTING THE CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER NC G.S. 160A-58.1 AND SETTING THE DATE OF A PUBLIC HEARING
ON THE QUESTION OF ANNEXATION, 2023-101-ANX ROCKY BRANCH FARM**

WHEREAS, a petition requesting annexation of an area described in said petition was received by the Town of Clayton; and

WHEREAS, NC G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation, subject to the Clerk's satisfactory investigation of the sufficiency of the petition; and

WHEREAS, the area proposed for annexation is described as follows:

BEGINNING at a calculated point, said point being the southeast corner of Tract 12, Rocky Branch Farm, LLC, Deed Book 1662, Page 284 Johnston County Registry and in the Right of Way of Vinson Rd, (S.R. 1903) (Variable Width Public Right of Way) said point having N.C. Grid Coordinates (NAD83/2011) of N=682,579.45, E=2,185,819.66, thence from said BEGINNING point, running in said right of way North 27°23'17" West 28.49' to a calculated point, thence North 34°57'44" West 656.54' to a calculated point, thence North 41°20'46" West 47.02' to a calculated point, thence North 41°20'26" West 179.75' to a calculated point, thence North 37°43'24" East 31.84' to a rebar found on the Northwestern Right of Way of Vinson Road, thence leaving said right of way North 37°43'24" East 3,570.84' to an existing 1" iron pipe found at mouth of branch at the Neuse River, thence along the Old Neuse River Breakover as described on Plat Book 22, page 197, Johnston County Registry South 22°21'22" East 270.21' to a rebar found, thence South 27°28'01" East 141.95' to a rebar found, thence South 39°43'26" East 333.37' to a calculated point, thence South 33°26'59" East 274.06' to a calculated point, said point being the common corner between Tract 12, Rocky Branch Farm, LLC and Tract 13, Poole Farm, LLC, thence leaving said Old Neuse River Breakover and crossing the Northeastern Right of Way line of Vinson Road (S.R. 1903) (Variable Width Public Right of Way) South 38°54'41" West 3,498.60' to the point and place of BEGINNING containing 73.753 Acres more or less (Inclusive of area north of south bank of current breakover and area in right of way).

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that:

Section 1. The Town Clerk is hereby directed to investigate the sufficiency of the below described petition and to certify as soon as possible to the Town of Clayton Town Council the result of her investigation.

Section 2. Subject to the Town Clerk's satisfactory result of her investigation, a public hearing on the question of annexation of the area described herein will be held at the Town Hall Council Chambers, located at 111 E. Second Street, at 6:00PM (or as soon thereafter as is practical) on Monday, January 16, 2024.

Section 3. Notice of the public hearing shall be published in the Johnstonian News newspapers, having general circulation in the Town of Clayton, at least ten (10) days prior to the public hearing.

Duly adopted this 2nd day of January 2024, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Heidi Holland, CMC, NCCMC
Town Clerk

DESCRIPTION/ADDRESS:
Pin #: 168800-64-5370
Non-Contiguous; 73.058 acres

Ordinance #

Annexation Petition 2023-101-ANX
Rocky Branch Farm, LLC
Location: 05J05030F
Contiguous; 73.753 acres

**TOWN OF CLAYTON
ORDINANCE TO EXTEND THE CORPORATE LIMITS**

1. WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-58.1 to annex the area described below; and

WHEREAS, the Clayton Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and set a public hearing on the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on January 2, 2024, and where the Town Council meeting occurring on January 16, 2024, after due notice by publication in the Johnstonian on January 3, 2024; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS 160A-58.1;

NOW THEREFORE, BE IT ORDAINED by the Clayton Town Council of the Town of Clayton, North Carolina that:

1. **SECTION 1** By virtue of the authority granted by NC GS 160A-58.1, the following described territory is hereby annexed and made part of the Town of Clayton as of January 16, 2024:

BEGINNING at a calculated point, said point being the southeast corner of Tract 12, Rocky Branch Farm, LLC, Deed Book 1662, Page 284 Johnston County Registry and in the Right of Way of Vinson Rd, (S.R. 1903) (Variable Width Public Right of Way)said point having N.C. Grid Coordinates (NAD83/2011) of

N=682,579.45, E=2,185,819.66, thence from said BEGINNING point, running in said right of way North 27°23'17" West 28.49' to a calculated point, thence North 34°57'44" West 656.54' to a calculated point, thence North 41°20'46" West 47.02' to a calculated point, thence North 41°20'26" West 179.75' to a calculated point, thence North 37°43'24" East 31.84' to a rebar found on the Northwestern Right of Way of Vinson Road, thence leaving said right of way North 37°43'24" East 3,570.84' to an existing 1" iron pipe found at mouth of branch at the Neuse River, thence along the Old Neuse River Breakover as described on Plat Book 22, page 197, Johnston County Registry South 22°21'22" East 270.21' to a rebar found, thence South 27°28'01" East 141.95' to a rebar found, thence South 39°43'26" East 333.37' to a calculated point, thence South 33°26'59" East 274.06' to a calculated point, said point being the common corner between Tract 12, Rocky Branch Farm, LLC and Tract 13, Poole Farm, LLC, thence leaving said Old Neuse River Breakover and crossing the Northeastern Right of Way line of Vinson Road (S.R. 1903) (Variable Width Public Right of Way) South 38°54'41" West 3,498.60' to the point and place of BEGINNING containing 73.753 Acres more or less(Inclusive of area north of south bank of current breakover and area in right of way).

SECTION 2 Upon and after January 16, 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

SECTION 3 The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of (COUNTY), and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in SECTION 1 above, together with a duly certified copy of the ordinance. Such a map shall also be delivered to the County Board of Elections, as required by NC GS 163-288.1.

ADOPTED this 16th day of January 2024.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Heidi Holland, CMC, NCCMC
Town Clerk

Jim Cauley
Town Attorney

.....
NORTH CAROLINA
JOHNSTON COUNTY

This the _____ day of _____, 2024, personally appeared before me Heidi Holland, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Heidi Holland, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

Notary Public - Signature

Notary Public - Printed Name

Commission Expires: _____

County of Commission: _____



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

January 2, 2024

Agenda Location

CONSENT AGENDA

Item Title

Resolution Directing the Clerk to check for sufficiency of the petition for annexation; to set the date of the public hearing for the annexation petition 2023-100-ANX Poole Farm, LLC

Presenter(s)

Bruce Venable, Planner I

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media

- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey

☐ Special Mailing

☒ None Required

Summary

2023-100-ANX Poole Farm, LLC. The applicant is petitioning the Town to annex 73.920 acres of real property into the Town's corporate limits. This is a non-contiguous annexation that is outside of the Town's ETJ and currently resides within Johnston County's jurisdiction.

Background/History

This petition is associated with the Vinson Road Conditional Zoning W/ Master Plan Project 2022-195-CZM which has not been presented before the Town Council at this time.

Recommendation

Town Staff recommends approval of the resolution.

Funding Source

N/A

Corresponding Documentation

[1 2023-100-ANX Staff Report Poole farm, LLC](#)

[2 Executed Petition 2023-100-ANX Poole Farm](#)

[3 2023-100-ANX Legal Description](#)

[4 2023-100-ANX Poole Farm, LLC PLAT](#)

[5 Ordinance 2023-100-ANX Poole Farm, LLC Non-Contiguous](#)

[2023-100-ANX Resolution Directing Clerk To Investigate Non-Contiguous](#)

Submitted By: Bruce Venable, Planning

Reviewed By:

Conrad Olmedo, Planning Director

Rich Cappola, Town Manager

Heidi Holland, Town Clerk

Approved - Dec 22 2023

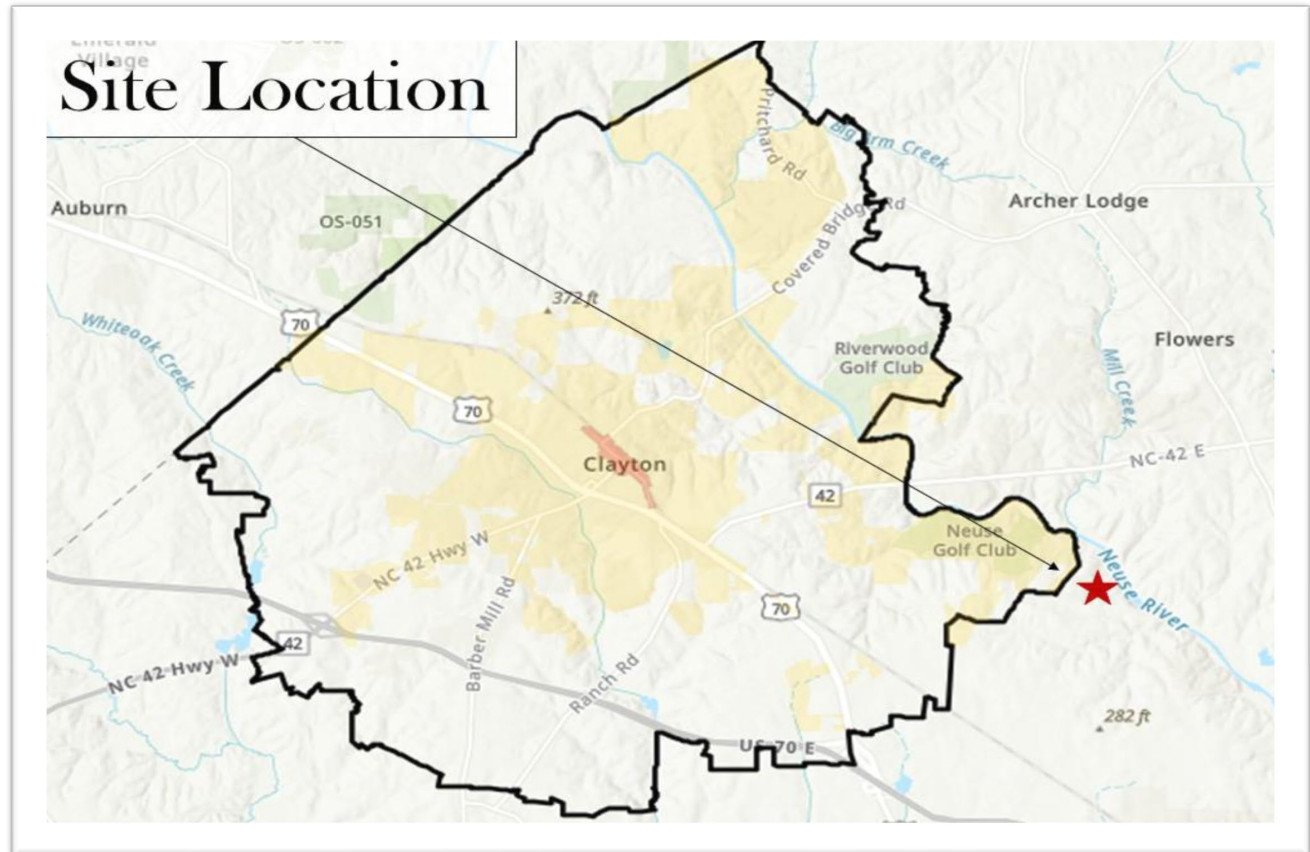
Approved - Dec 28 2023

Approved - Dec 28 2023



POOLE FARM, LLC ANNEXATION

Project #:	2023-100-ANX	Location:	The parcel is located along Vinson Road across from the Green Windsor Subdivision within Johnston County.
Applicant:	POOLE FARM, LLC	Project Type:	ANNEXATION
Property Owner:	POOLE FARM, LLC	Proposed Use:	RESIDENTIAL
Staff Planner:	STEVEN MOTT, PLANNER II	TAG #(s):	05J05011V



PROJECT SUMMARY

The site is located off Vinson Road and near the Windsor Green Subdivision. The applicant has petitioned the Town to be annexed into the corporate limits of the Town of Clayton to obtain Town services. This project is attached to the Vinson Road Conditional Zoning Master Plan that has been submitted concurrently with this petition for annexation. This parcel is **NOT** within Clayton's ETJ and would be considered a satellite annexation.

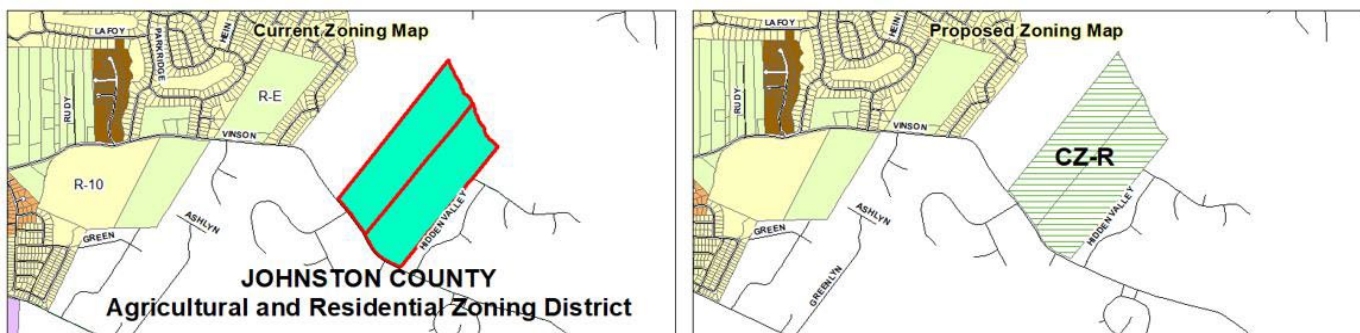
Fire District: The property is located within the Wilson Mills Fire District. The Applicant has fulfilled all requirements found in G.S 160A-58.58: Assumption of Debt.

SITE DATA:

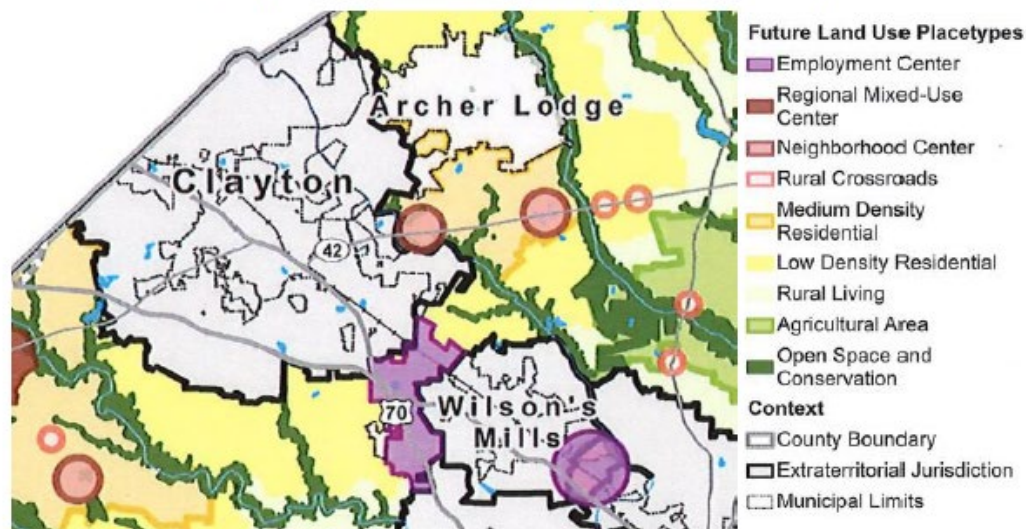
Acreage: +/- 73.909 acres

Existing Use: Vacant

FUTURE LAND USE MAP



Envision Johnston Future Land Use Map (Johnston County)



AERIAL MAP



ATTACHMENTS:

- 1) Staff Report
- 2) Petition for Annexation
- 3) Legal Description of Metes and Bounds
- 4) Annexation Plat
- 5) Annexation Ordinance



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Review Fee:

Application Review Fee: \$200

Advertisement Fee: \$200

Please note that fees are subject to change annually

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application

1. Application Type: ☐ Individual ☐ Corporation ☒ LLC ☐ Partnership
2. The proposed annexation will be: ☐ Contiguous Annexation ☒ Non-Contiguous Annexation
3. Does the proposed annexed parcel(s) need to be rezoned? ☒ Yes ☐ No

If 3 acres or more please submit a rezoning application to be run concurrently.

Property Information

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

**If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.*

2. The area to be annexed is ☐ contiguous, ☒ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total Acreage to be annexed: 73.923 Existing Housing Units: 0

Population of acreage to be annexed: 0 Fire District: Wilson's Mills

Existing Zoning District*: AR Proposed Town Zoning District*: CZ-R

County Recorded Plat Book and Page #: Tract #13 PB 22, Page 197

Reason for petitioner to annex: ☒ Receive Town Services ☐ Other (please specify): _____

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate on the following page, and attach proof.)

FOR OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ Petition Number: _____

This page must be notarized prior to submitting to the Town for review

Complete ONLY if applying for an individual annexation and if property is owned by individual (s):

Please Print

Signature

Please Print

Signature

Complete ONLY if applying for a Corporation Annexation:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this ____ day of _____, 20__.

Corporate Name: _____

SEAL

By: _____
(Signature)

Attest: _____
Secretary (Signature)

Complete ONLY if applying for a Limited Liability Company Annexation:

In witness whereof, Poole Farm, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 15 day of JUNE, 2020

Name of Limited Liability Company: Poole Farm, LLC

By: Daniel A. Hester, MGR
Signature of Member/Manager

Complete ONLY if applying for a Partnership Annexation:

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20__.

Name of Partnership: _____

By: _____
Signature of General Partner

By: _____

By: _____
Signature of General Partner

By: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Daniel Gray, a Notary Public for the above State and County, this 15th day of June, 2023.

Daniel Gray
Notary Public

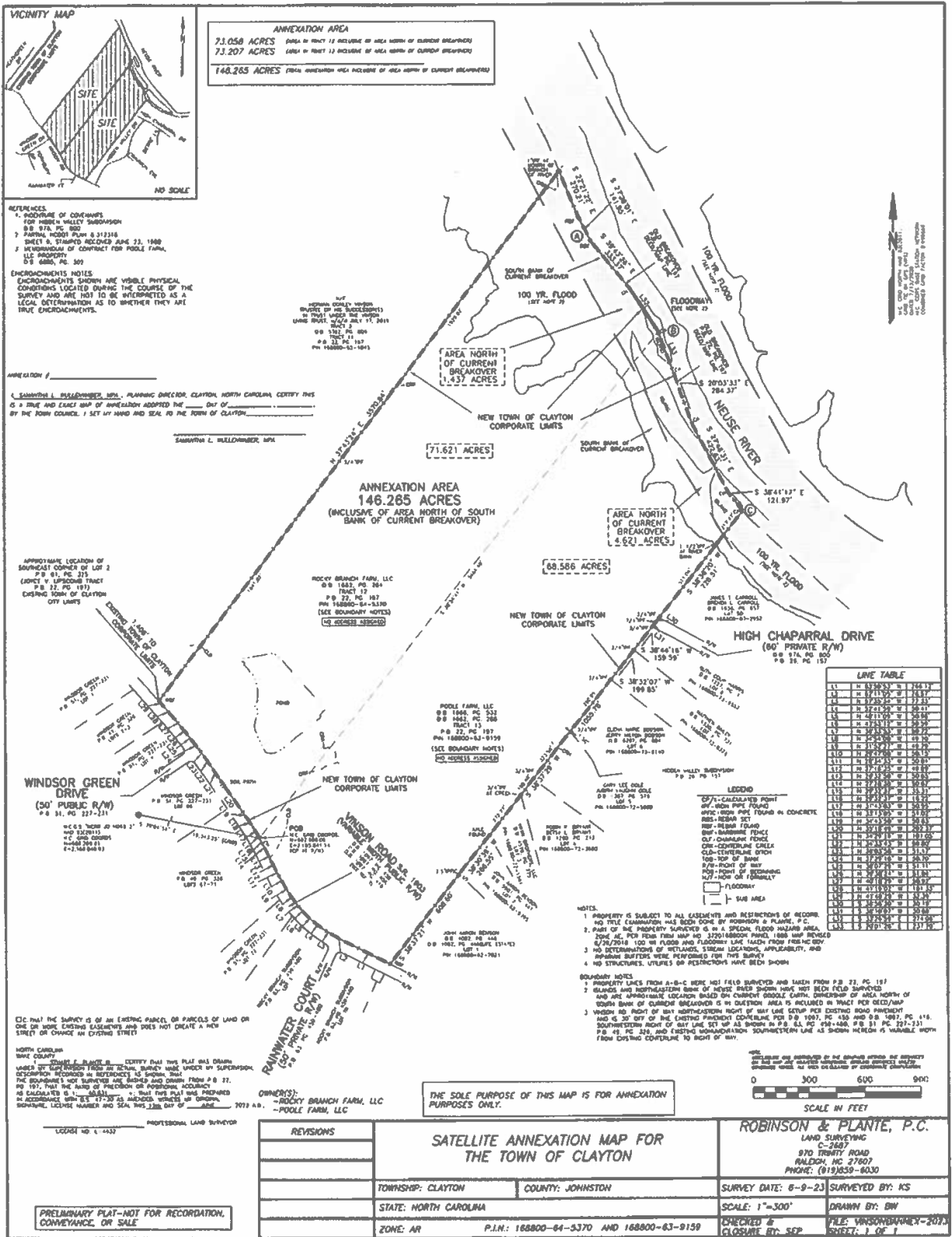
SEAL

Daniel Gray
Notary Public
Johnston County, NC

My Commission Expires: 04/13/26

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	Leave 2-inch by 2-inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.



ANNEXATION MAP FOR THE TOWN OF CLAYTON

Beginning at a calculated point, said point being the Southeast corner of Tract 12, Rocky Branch Farm, LLC and on the Northeastern Right of Way line of Vinson Road, (S.R. 1903) (Variable width Public Right of Way). Said point having N.C. Grid Coordinates (NAD83/2011) of N=682,606.06, E=2,185,841.14, thence from said beginning point along the Northeastern Right of Way line of Vinson Road, North 29°32'37" West 16.22' to a calculated point, thence North 31°43'03" West 50.95' to a calculated point, thence North 33°13'05" West 51.02' to a calculated point, thence North 34°43'50" West 50.63' to a calculated point, thence North 35°18'49" West 202.37' to a calculated point, thence North 34°29'19" West 101.05' to a calculated point, thence North 34°33'43" West 50.80' to a calculated point, thence North 36°03'56" West 51.17' to a calculated point, thence North 37°29'16" West 50.70' to a calculated point, thence North 38°07'29" West 51.11' to a calculated point, thence North 39°38'24" West 51.04' to a calculated point, thence North 40°18'29" West 50.92' to a calculated point, thence North 41°19'02" West 101.33' to a calculated point, thence North 41°48'29" West 32.39' to an existing rebar at the Southwestern corner of Tact 12, thence leaving said Right of Way line of Vinson Road along the Northern Property line of Tract 12 Rocky Branch Farm, LLC, North 37°43'24" East 3,570.84' to an existing 1" iron pipe at mouth of branch at the Neuse River, thence along the old Neuse River Breakover as described on Plat Book 22, page 197, Johnston County Registry, South 22°21'22" East 270.21' to an existing rebar, thence South 27°28'01" East 141.95' to an existing rebar, thence South 39°43'26" East 333.37' to a calculated point, thence South 33°26'59" East 274.06' to a calculated point, said point being the common corner between Tract 12, Rocky Branch Farm, LLC and Tract 13, Poole Farm, LLC, Thence continuing with the old Neuse River Breakover as described on Plat Book 22, Page 197, Johnston County Registry, South 20°01'28" East 237.70' to a calculated point, thence South 20°03'33" East 284.37' to a calculated point, thence South 27°46'31" East 422.63' to a calculated point, thence South 38°41'17" East 121.97' to a calculated point, thence leaving said old Neuse River Breakover, South 38°36'20" West 728.51' to an existing 3/4" iron pipe, said point being at the Northwestern Right of Way line of High Chaparral Drive (60' Private Right of Way), thence along High Chaparral Drive right of way South 38°58'30" West 30.19' to an existing 3/4" iron pipe, thence South 38°10'07" West 30.88' to an existing 3/4" iron pipe at the Southwestern Right of Way line of High Chaparral Drive, thence leaving said Right of Way South 38°44'16" West 159.59' to an existing 3/4" iron pipe, thence South 38°32'07" West 199.85' to an existing 3/4" iron pipe, thence South 38°37'29" West 1,055.78' to an existing axle, thence South 38°30'39" West 266.55' to an existing iron pipe found in concrete, thence South 38°37'21" West 608.60' to an existing rebar, said point being on the Northwestern Right of Way line of Vinson Road (SR 1903) (Variable Width Public Right of Way), thence along said right of way line, North 63°50'53" West 266.12' to a calculated point, thence North 62°11'05" West 76.57' to a calculated point, thence North 57°35'34" West 77.33' to a calculated point, thence North 52°41'59" West 50.41' to a calculated point, thence North 48°11'09" West 50.98' to a calculated point, thence North 43°53'12" West 50.59' to a calculated point, thence North 38°33'53"

West 50.72' to a calculated point, thence North 34°54'08" West 49.10' to a calculated point, thence North 31°52'27" West 49.79' to a calculated point, thence North 29°47'08" West 50.15' to a calculated point, thence North 28°34'33" West 50.01' to a calculated point, thence North 27°16'35" West 49.89' to a calculated point, thence North 26°32'50" West 50.85' to a calculated point, thence North 27°28'38" West 50.67' to a calculated point, thence North 29°32'37" West 35.31' to the point and place of Beginning, containing 146.265 Acres more or less.

973579038

State of North Carolina
Department of the Secretary of State
**LIMITED LIABILITY COMPANY
ARTICLES OF ORGANIZATION**

FILED
10:13am
DEC 23 1997
EFFECTIVE
ELAINE F. MARSHALL
SECRETARY OF STATE
NORTH CAROLINA

Pursuant to §57C-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: Poole Farm, LLC
2. The latest date on which the limited liability company is to dissolve is: December 31, 2050
3. The name and address of each organizer executing these Articles of Organization is as follows (at least one person must execute this document; attach additional pages if necessary):

Turner Vinson
2705 Powhatan Road
Clayton, NC 27520

4. The street address and county of the initial registered office of the limited liability company is:

Number and Street 2705 Powhatan Road

City, State, Zip Code Clayton, North Carolina 27520 County Johnston

5. The mailing address if different from the street address of the initial registered office is: n/a
6. The name of the initial registered agent is: Turner Vinson
7. Check one of the following:

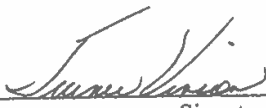
- ☐ (i) Member-managed LLC: all of the members by virtue of their status as members shall be managers of this limited liability company.
- ☒ (ii) Manager-managed LLC: except as provided by N.C.G.S. §57C-3-20(a), the members of this limited liability company shall not be managers by virtue of their status as members.

Any other provisions which the limited liability company elects to include are attached.

These Articles will be effective upon filing, unless a date and/or time is specified: n/a

This the _____ day of _____, 1997.

Signature



Signature

Type or Print Name and Title

Turner Vinson, Organizer

Type or Print Name and Title

NOTES:

Filing fee is \$125. This document and one exact or conformed copy of these Articles must be filed with the Secretary of State.
CORPORATIONS DIVISION 300 N. SALISBURY STREET

RALEIGH, NC 27603-5909

Poole Farm, LLC Property - Tract 13
Satellite Annexation For The Town Of Clayton

BEGINNING at a calculated point, said point being the northwest corner of Tract 13, Poole Farm, LLC, Deed Book 1666, Page 532 Johnston County Registry and in the Right of Way of Vinson Rd, (S.R. 1903) (Variable Width Public Right of Way) said point having N.C. Grid Coordinates (NAD83/2011) of N=682,579.45, E=2,185,819.66, thence from said BEGINNING point, crossing the Northeastern Right of Way line of Vinson Road (S.R.1903), North 38°54'41" East 3,498.60' to a calculated point on the Old Neuse River Breakover as described on Plat Book 22, Page 197, Johnston County Registry, thence along said Old Neuse River Breakover as described on Plat Book 22, Page 197, Johnston County Registry, South 20°01'28" East 237.70' to a calculated point, thence South 20°03'33" East 284.37' to a calculated point, thence South 27°46'31" East 422.63' to a calculated point, thence South 38°41'17" East 121.97' to a point, thence leaving said Old Neuse River Breakover South 38°36'20" West 728.51' to a ¾" iron pipe found, said iron pipe being at the Northwestern Right of Way line of High Chaparral Drive (60' Private Right of Way), thence along said right of way South 38°58'30" West 30.19' to a ¾" iron pipe found, thence South 38°10'07" West 30.88' to a ¾" iron pipe found at the Southwestern right of way line of High Chaparral Drive, thence leaving said right of way South 38°44'16" West 159.59' to a ¾" iron pipe found, thence South 38°32'07" West 199.85' to a ¾" iron pipe found, thence South 38°37'29" West 1,055.78' to an existing axle, thence South 38°30'39" West 266.55' to a 2 ½" iron pipe found in concrete, thence South 38°37'21" West 608.60' to a rebar found, said rebar being on the Northwestern Right of Way line of Vinson Road (S.R. 1903) (Variable Width Public Right of Way), thence leaving said right of way line South 38°37'21" West 32.88' to a point in Vinson Road (S.R. 1903) Right of Way, thence running in said Right of Way North 63°51'11" West 120.75' to a point, thence North 62°17'45" West 269.39' to a calculated point, thence North 48°57'21" West 191.11' to a calculated point, thence North 35°00'31" West 178.79' to a calculated point, thence North 27°23'17" West 247.01' to the point and place of BEGINNING containing 73.909 Acres more or less (Inclusive of Area North of South Bank of current Breakover and area in Right of Way).

Ordinance #

Annexation Petition 2023-100-ANX
POOLE FARM, LLC
Location: 05J05011V
Contiguous; 73.909 acres

**TOWN OF CLAYTON
ORDINANCE TO EXTEND THE CORPORATE LIMITS**

1. WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-58.1 to annex the area described below; and

WHEREAS, the Clayton Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on January 2, 2024, where the Town Council meeting occurring on January 16, 2024, after due notice by publication in the Johnstonian on January 3, 2024; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS 160A-58.1;

NOW THEREFORE, BE IT ORDAINED by the Clayton Town Council of the Town of Clayton, North Carolina that:

1. **SECTION 1** By virtue of the authority granted by NC GS 160A-58.1, the following described territory is hereby annexed and made part of the Town of Clayton as of January 16, 2024:

BEGINNING at a calculated point, said point being the northwest corner of Tract 13, Poole Farm, LLC, Deed Book 1666, Page 532 Johnston County Registry and in the Right of Way of Vinson Rd, (S.R. 1903)(Variable Width Public Right of Way) said point having N.C. Grid Coordinates (NAD83/2011) of N=682,579.45,

E=2,185,819.66, thence from said BEGINNING point, crossing the Northeastern Right of Way line of Vinson Road (S.R.1903), North 38°54'41" East 3,498.60' to a calculated point on the Old Neuse River Breakover as described on Plat Book 22, Page 197, Johnston County Registry, thence along said Old Neuse River Breakover as described on Plat Book 22, Page 197, Johnston County Registry, South 20°01'28" East 237.70' to a calculated point, thence South 20°03'33" East 284.37' to a calculated point, thence South 27°46'31" East 422.63' to a calculated point, thence South 38°41'17" East 121.97' to a point, thence leaving said Old Neuse River Breakover South 38°36'20" West 728.51' to a ¾" iron pipe found, said iron pipe being at the Northwestern Right of Way line of High Chaparral Drive (60' Private Right of Way), thence along said right of way South 38°58'30" West 30.19' to a ¾" iron pipe found, thence South 38°10'07" West 30.88' to a ¾" iron pipe found at the Southwestern right of way line of High Chaparral Drive, thence leaving said right of way South 38°44'16" West 159.59' to a ¾" iron pipe found, thence South 38°32'07" West 199.85' to a ¾" iron pipe found, thence South 38°37'29" West 1,055.78' to an existing axle, thence South 38°30'39" West 266.55' to a 2 ½" iron pipe found in concrete, thence South 38°37'21" West 608.60' to a rebar found, said rebar being on the Northwestern Right of Way line of Vinson Road (S.R. 1903)(Variable Width Public Right of Way), thence leaving said right of way line South 38°37'21" West 32.88' to a point in Vinson Road (S.R. 1903) Right of Way, thence running in said Right of Way North 63°51'11" West 120.75' to a point, thence North 62°17'45" West 269.39' to a calculated point, thence North 48°57'21" West 191.11' to a calculated point, thence North 35°00'31" West 178.79' to a calculated point, thence North 27°23'17" West 247.01' to the point and place of BEGINNING containing 73.909 Acres more or less (Inclusive of Area North of South Bank of current Breakover and area in Right of Way).

SECTION 2 Upon and after January 16, 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

SECTION 3 The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of (COUNTY), and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in SECTION 1 above, together with a duly certified copy of the ordinance. Such a map shall also be delivered to the County Board of Elections, as required by NC GS 163-288.1.

ADOPTED this 16th day of January 2024.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Heidi Holland, CMC, NCCMC
Town Clerk

Jim Cauley
Town Attorney

.....
**NORTH CAROLINA
JOHNSTON COUNTY**

This the _____ day of _____, 2024, personally appeared before me Heidi Holland, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Heidi Holland, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

Notary Public - Signature

Notary Public - Printed Name

Commission Expires: _____

County of Commission: _____

**RESOLUTION 2024-06 DIRECTING THE CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER NC G.S. 160A-58.1 AND SETTING THE DATE OF A PUBLIC HEARING
ON THE QUESTION OF ANNEXATION, 2023-100-ANX POOLE FARM**

WHEREAS, a petition requesting annexation of an area described in said petition was received by the Town of Clayton; and

WHEREAS, NC G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation, subject to the Clerk's satisfactory investigation of the sufficiency of the petition; and

WHEREAS, the area proposed for annexation is described as follows:

BEGINNING at a calculated point, said point being the northwest corner of Tract 13, Poole Farm, LLC, Deed Book 1666, Page 532 Johnston County Registry and in the Right of Way of Vinson Rd, (S.R. 1903) (Variable Width Public Right of Way) said point having N.C. Grid Coordinates (NAD83/2011) of N=682,579.45, E=2,185,819.66, thence from said BEGINNING point, crossing the Northeastern Right of Way line of Vinson Road (S.R.1903), North 38°54'41" East 3,498.60' to a calculated point on the Old Neuse River Breakover as described on Plat Book 22, Page 197, Johnston County Registry, thence along said Old Neuse River Breakover as described on Plat Book 22, Page 197, Johnston County Registry, South 20°01'28" East 237.70' to a calculated point, thence South 20°03'33" East 284.37' to a calculated point, thence South 27°46'31" East 422.63' to a calculated point, thence South 38°41'17" East 121.97' to a point, thence leaving said Old Neuse River Breakover South 38°36'20" West 728.51' to a ¾" iron pipe found, said iron pipe being at the Northwestern Right of Way line of High Chaparral Drive (60' Private Right of Way), thence along said right of way South 38°58'30" West 30.19' to a ¾" iron pipe found, thence South 38°10'07" West 30.88' to a ¾" iron pipe found at the Southwestern right of way line of High Chaparral Drive, thence leaving said right of way South 38°44'16" West 159.59' to a ¾" iron pipe found, thence South 38°32'07" West 199.85' to a ¾" iron pipe found, thence South 38°37'29" West 1,055.78' to an existing axle, thence South 38°30'39" West 266.55' to a 2 ½" iron pipe found in concrete, thence South 38°37'21" West 608.60' to a rebar found, said rebar being on the Northwestern Right of Way line of Vinson Road (S.R. 1903) (Variable Width Public Right of Way), thence leaving said right of way line South 38°37'21" West 32.88' to a point in Vinson Road (S.R. 1903) Right of Way, thence running in said Right of Way North 63°51'11" West 120.75' to a point, thence North 62°17'45" West 269.39' to a calculated point, thence North 48°57'21" West 191.11' to a calculated point, thence North 35°00'31" West 178.79' to a calculated point, thence North 27°23'17" West 247.01' to the point and place of BEGINNING containing 73.909 Acres more or less (Inclusive of Area North of South Bank of current Breakover and area in Right of Way).

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that:

Section 1. The Town Clerk is hereby directed to investigate the sufficiency of the below described petition and to certify as soon as possible to the Town of Clayton Town Council the result of her investigation.

Section 2. Subject to the Town Clerk's satisfactory result of her investigation, a public hearing on the question of annexation of the area described herein will be held at the Town Hall Council Chambers, located at 111 E. Second Street, at 6:00PM (or as soon thereafter as is practical) on Tuesday, January 16, 2023.

Section 3. Notice of the public hearing shall be published in the Johnstonian News newspapers, having general circulation in the Town of Clayton, at least ten (10) days prior to the public hearing.

Duly adopted this 2nd day of January, 2024, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Heidi Holland, CMC, NCCMC
Town Clerk

DESCRIPTION/ADDRESS:

Pin #: 168800-63-9159

Non-Contiguous; 73.207 acres



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

January 2, 2024

Agenda Location

CONSENT AGENDA

Item Title

Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation petition 2023-164-ANX Lee Court

Presenter(s)

Bruce Venable, Planner I

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media

- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey

☐ Special Mailing

☒ None Required

Summary

2023-164-ANX Lee Court. The applicant is petitioning the Town to annex +/- .7483 acres of real property into the Town's corporate limits. This is a contiguous annexation, the site is within the Town's ETJ.

Background/History

This annexation is to bring Town-owned property into the corporate limits.

Recommendation

Town Staff recommends approval of the resolution.

Funding Source

N/A

Corresponding Documentation

[1 2023-164-ANX Staff Report Lee Court](#)

[2 2023-164-ANX Legal Description](#)

[3 2023-164-ANX Lee Ct Annexation Plat Final Certified](#)

[2023-164-ANX Resolution Directing Clerk To Investigate Contiguous](#)

Submitted By: Bruce Venable, Planning

Reviewed By:

Conrad Olmedo, Planning Director

Rich Cappola, Town Manager

Heidi Holland, Town Clerk

Approved - Dec 22 2023

Approved - Dec 28 2023

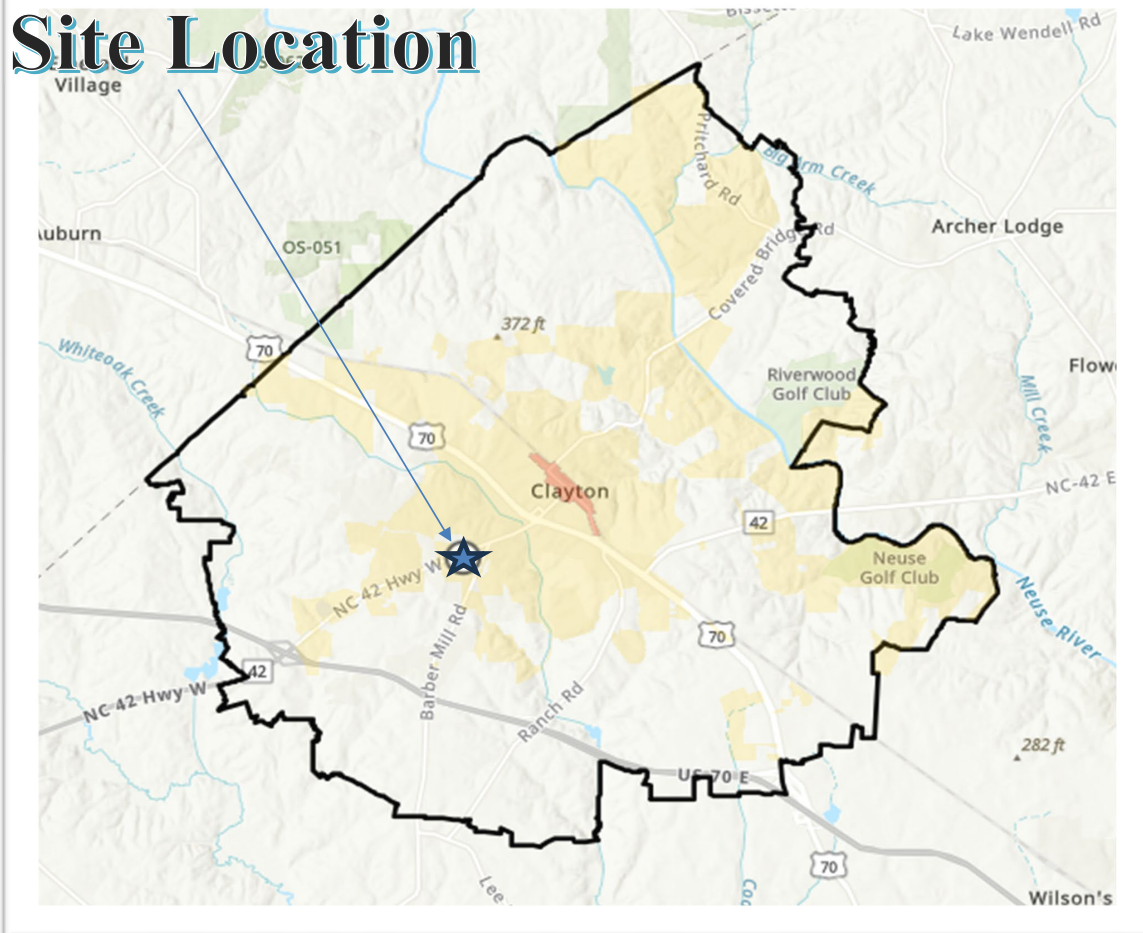
Approved - Dec 28 2023



LEE COURT ANNEXATION

Project #:	2023-164-ANX	Location:	The right of way is located along Lee Court near the Town's Operation Center along NC HWY 42 E.
Applicant:	TOWN OF CLAYTON	Project Type:	ANNEXATION
Property Owner:	TOWN OF CLAYTON	Proposed Use:	Public Right of Way
Staff Planner:	STEVEN MOTT, PLANNER II	TAG #s:	RS031593 & RS020070

Site Location



PROJECT SUMMARY

Lee Court is located off NC HWY 42 E. Near Richardson Place Subdivision. This parcel is within Clayton's ETJ and would be considered a contiguous annexation. This annexation will allow the Town to maintain and improve this right of way in the future.

SITE DATA:

Acreage: +/- .7483 acres

Existing Use: Public ROW

FUTURE LAND USE MAP



AERIAL MAP



ATTACHMENTS:

- 1) Staff Report
- 2) Petition for Annexation
- 3) Legal Description of Metes and Bounds
- 4) Annexation Plat
- 5) Annexation Ordinance

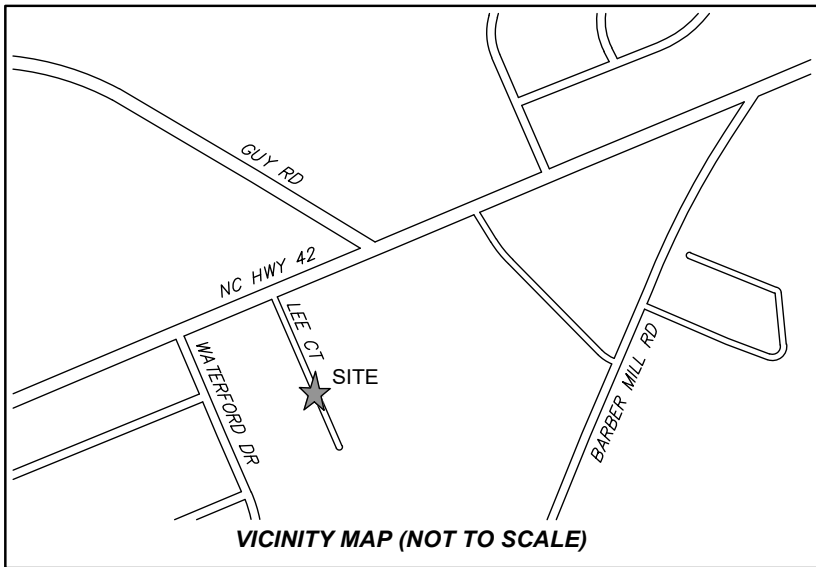
PROPOSED TOWN OF CLAYTON ANNEXATION

Being all of Lee Court, a 50-feet-wide public right of way and 593 feet in length paved road, situated in Johnston County, Clayton Township, and the Town of Clayton, in the State of North Carolina. The Town of Clayton hereby annexes said road to be included within the city limits. Lee Court was created by Plat Book 29 and Page 325, a subdivision plat recorded in the Johnston County register of deeds titled "Final Plat West Park Subdivision Section Two" and dated September 13, 1987. A portion of the Lee Court 50-feet-wide right of way joins with the Southern 100-feet-wide right of way of North Carolina Highway 42. The right of way of Lee Court is more particularly described as follows:

COMMENCING at a 1" iron pipe found at the Northwest corner of a lot (PIN 165807-57-2979) now or formerly Quad Towers, LLC and along the Southern right of way of said Highway 42, having a NAD 83 (2011) North Carolina State Plane coordinate of North 688155.49 feet and East 2155246.85 feet; thence proceeding to the POINT OF BEGINNING, a bearing of North 66° 33' 23" East, a distance of 150.52 feet and to a found 1" iron pipe also along the Southern right of way of Highway 42 and at the Northeast corner of the Quad Towers lot and also commencing the Western 50-feet-wide right of way of Lee Court.

Thence proceeding from the POINT OF BEGINNING, leaving the right of way of Highway 42 and proceeding onto and following the Western 50-feet-wide right of way of Lee Court the following courses: South 23° 16' 05" East, 240.34 feet, to a 1" iron pipe found at the Southeast corner of the Quad Towers lot and the Northwest corner of a lot (PIN 165807-57-3786) now or formerly Larry and Patricia Durham; thence South 23° 26' 36" East, 249.04 feet, to a bent 1" iron pipe found at the Southeast corner of the Durham lot and the Northeast corner of a lot (PIN 165807-57-6554) now or formerly MTR Properties, LLC, and the beginning of a curve to the right; thence along the curve having a radius of 20.13 feet, a curve length of 17.44 feet, a chord bearing of South 01° 41' 02" West, a chord distance of 16.90 feet to a point and the beginning of a curve to the left, still along the right of way of Lee Court and the MTR Properties lot; thence along the curve having a radius of 50.00 feet, a curve length of 140.46 feet, a chord bearing of South 53° 54' 14" East, a chord distance of 98.62 feet to a point at the Northeast corner of the MTR Properties lot and the Southwest corner of a lot (PIN 165807-57-6579) also now or formerly MTR Properties, LLC, and passing a 20 feet-wide drainage and utility easement recorded in the Johnston County register of deeds in Plat Book 30, Page 217 that terminates at the right of way of Lee Court; thence continuing along a curve to the left having a radius of 50.00 feet, a curve length of 99.30 feet, a chord bearing of North 11° 16' 43" West, a chord distance of 83.77 feet to a point at the Northwest corner of the MTR Properties lot, and the Southwest corner of a lot (PIN 165807-57-5864) now or formerly MTR Properties, LLC, and the beginning of a 25 feet-wide drainage and utility easement recorded in the Johnston County register of deeds in Plat Book 63, Page 19, and that terminates at the right of way of Lee Court; thence continuing along a curve to the left having a radius of 50.00 feet, a curve length of 4.79 feet, a chord bearing of North 70° 55' 11" West, a chord distance

of 4.79 feet to a 3/4" iron pipe found and the beginning of a curve to the right; thence along the curve to the right having a radius of 19.40 feet, a curve length of 17.26 feet, a chord bearing of North 48° 12' 37" West, a chord distance of 16.70 feet to a point; thence continuing along the Eastern right of way of Lee Court, North 23° 24' 10" West, 249.00 feet to the Northwest corner of the MTR Properties lot and the Southeast corner of a lot (PIN 165807-58-4082) now or formerly Affordable Auto Repair, LLC, and a 1/2" iron rod found with a plastic cap; thence North 23° 25' 11" West, 140.33 feet to the Northwest corner of said Affordable Auto Repair lot and the Southwest corner of a lot (PIN 165807-58-4133) also now or formerly Affordable Auto Repair, LLC and a point; thence North 23° 25' 11" West, 99.98 feet to the Northwest corner of the Auto Repair lot, the South 100-foot-wide right of way of Highway 42 and a point; thence leaving the right of way of Lee Court, and following the Southern Highway 42 right of way, South 66° 39' 47" West, 49.48 feet to a 1" iron and the POINT OF BEGINNING. The proposed area of the Lee Court right of way to be annexed is 32,598 square feet or 0.748 acres. The Lee Court annexation can be found documented on a plat drawn by Taylor Wiseman and Taylor (TWT) titled "Annexation Map for the Town of Clayton Lee Court" dated September 15, 2023, certified by Rex V. Bohn, PLS L-4343, and filed at the TWT Apex office.

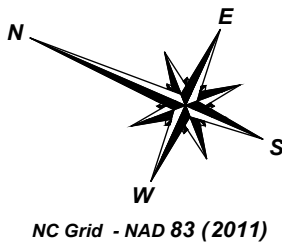


ABBREVIATIONS

BM BOOK OF MAPS
CIP CAST IRON PIPE
CLF CHAIN-LINK FENCE
CMF CONCRETE MONUMENT FOUND
DB DEED BOOK
IPF IRON PIPE FOUND
IRF IRON ROD FOUND
IRS IRON ROD SET
NIF NOW OR FORMERLY
NC NORTH CAROLINA
PB PLAT BOOK
PG PAGE
PKF PK NAIL FOUND
R/W RIGHT-OF-WAY
SF SQUARE FEET

SURVEY DATA ABBREVIATIONS

E EAST
ELEV ELEVATION
N NORTH
NAD NORTH AMERICAN DATUM
NAVD NORTH AMERICAN VERTICAL DATUM
NC NORTH CAROLINA
PK MASONRY NAIL
VRS VIRTUAL REFERENCE STATION
W WEST

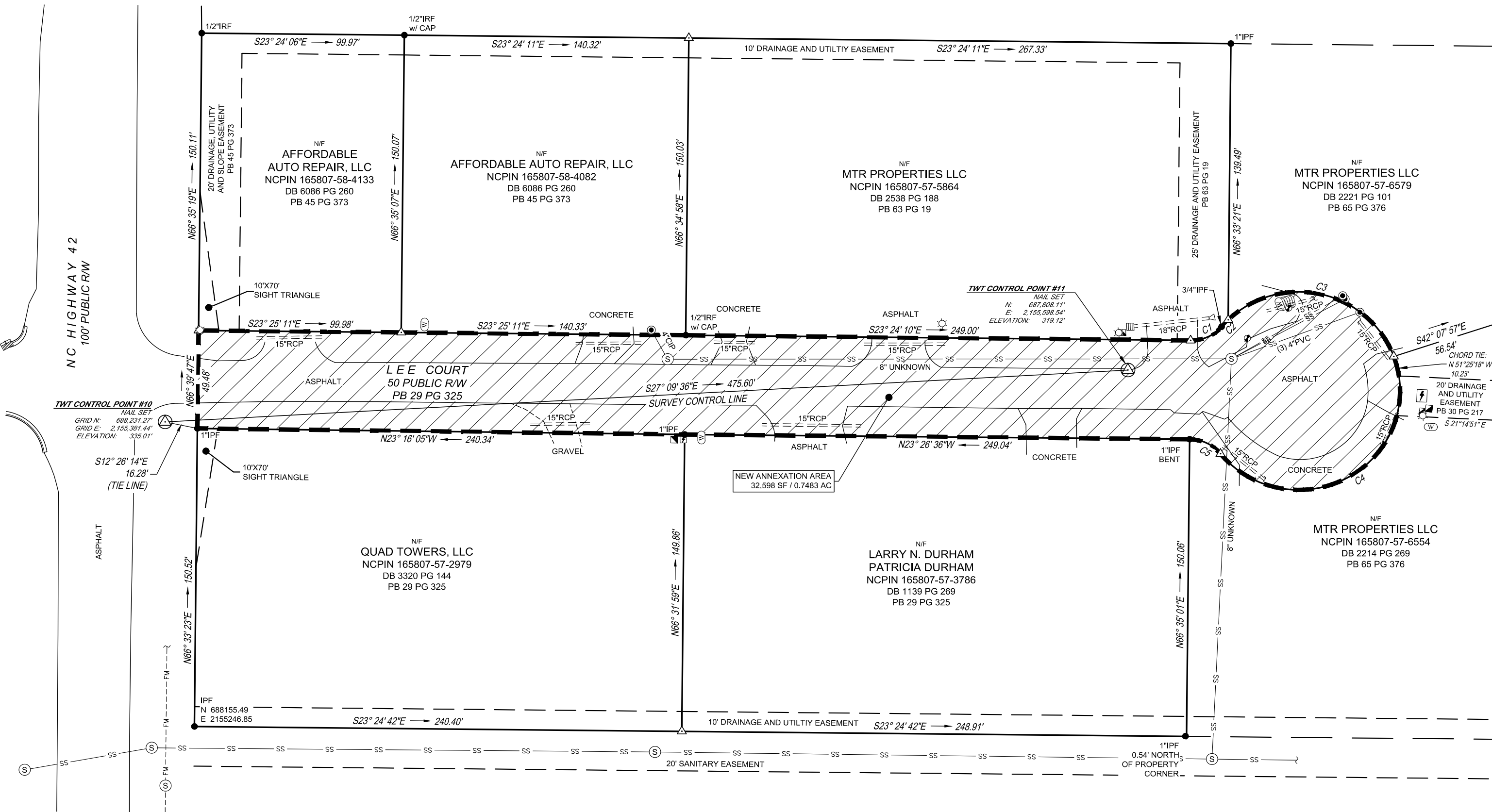


LINE LEGEND

PROPERTY LINE (PL)
PL NOT SURVEYED
RIGHT-OF-WAY LINE
EASEMENT
EDGE OF GRAVEL
CURB & GUTTER
STORM SEWER
SANITARY SEWER
SANITARY FORCE MAIN

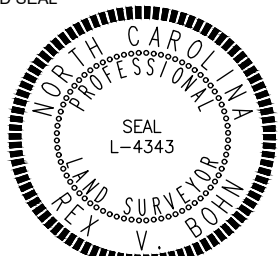
SYMBOL LEGEND

PROPERTY CORNER FOUND
DATUM CONTROL POINT
CURB INLET
FLARED-END SECTION
SEWER MANHOLE
SANITARY CLEANOUT
LIGHT POLE
ELECTRIC TRANSFORMER
CABLE TV PEDESTAL
TELEPHONE PEDESTAL
WATER METER
WATER VALVE
DESTINATION UNKNOWN



I, REX V. BOHN, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000; THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE REGISTRATION NUMBER AND SEAL THIS DAY SEPTEMBER 15, 2023.

REX V. BOHN 9/15/23
REX V. BOHN LICENSE NO. L-4343



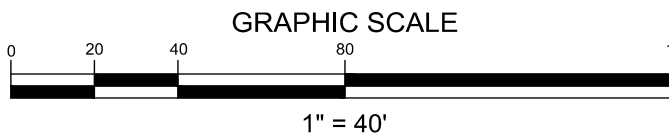
SURVEY CONTROL / GRID TIE NOTES

- DATUM DESCRIPTION:
NC STATE PLANE COORDINATE SYSTEM
NAD83 (2011) (EPOCH: 2010.00)
NAVD88 (GEOID 2018)
- UNIT OF MEASUREMENT: U.S. SURVEY FOOT
- GPS FIELD PROCEDURE: REAL TIME NETWORK (VRS)
- DATE OF GPS SURVEY: 09/06/2023
- GPS ANTENNA: TRIMBLE R12i
- PUBLISHED / FIXED CONTROL USED:
NAME: NCSF PID: DK6525
LATITUDE: 35°33'49.60983" N ELLIPSOID HEIGHT: 24.470m
LONGITUDE: 78°20'10.80500" W GEOID HEIGHT: 34.198m
- ADJUSTMENT: SURVEY DATA WAS POST PROCESSED WITH TRIMBLE BUSINESS CENTER (TBC) USING A NETWORK LEAST SQUARES ADJUSTMENT AT THE 95% CONFIDENCE LEVEL.
- CLASS OF SURVEY: CLASS A
- POSITIONAL ACCURACY: 0.05'
- POINT OF LOCALIZATION: CONTROL POINT #10
- COMBINED FACTOR: 0.999664748

GENERAL NOTES

- THE PURPOSE OF THIS PLAT IS TO DEFINE THE RIGHT OF WAY OF LEE COURT IN PREPARATION FOR DEDICATION TO THE TOWN OF CLAYTON.
- PROPERTIES SHOWN HEREON ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD THAT WOULD BE REVEALED BY A THOROUGH TITLE SEARCH. THIS PLAT SHOULD NOT BE RELIED UPON AS A COMPLETE RECORD OF ALL EASEMENTS THAT MAY AFFECT THESE PROPERTIES.
- ALL DISTANCES AND COORDINATES SHOWN HEREON ARE LOCALIZED, GROUND INFORMATION, UNLESS SPECIFICALLY NOTED AS "GRID".
- AREA(S) CALCULATED BY THE COORDINATE METHOD

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CH. DIRECTION	CH. LENGTH
C1	17.265	19.398	S48° 12' 37"E	16.70'
C2	4.793	50.000	N70° 55' 11"W	4.79'
C3	99.300	50.000	N11° 16' 43"W	83.77'
C4	140.463	50.000	S53° 54' 14"E	98.62'
C5	17.439	20.134	N1° 41' 02"E	16.90'



REVISIONS:

DATE OF SURVEY: SEPTEMBER 1, 2023

SCALE: 1" = 40'

DRAWN BY: J. FLEMING

CHECKED BY: R. BOHN, PLS

PROJECT: 70807.6000.00

SHEET:

1 / 1

PREPARED FOR:

TAYLOR WISEMAN & TAYLOR

ENGINEERS SURVEYORS
SUBSURFACE UTILITY ENGINEERS
2043 ENERGY DRIVE, APEX, NC 27502
PHONE (919) 297-0085 FAX (919) 297-0090
NORTH CAROLINA LICENSE NUMBER: F-0382



ANNEXATION MAP
FOR THE TOWN OF CLAYTON
LEE COURT
JOHNSTON COUNTY - CLAYTON TOWNSHIP - CLAYTON, NC

g:\CAD\70807\70807.6000.00\dwg\70807.6000.00-BASE.dwg

**RESOLUTION 2024-04 DIRECTING THE CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER NC G.S. 160A-31 AND SETTING THE DATE OF A PUBLIC HEARING
ON THE QUESTION OF ANNEXATION, 2023-164-ANX LEE COURT**

WHEREAS, a petition requesting annexation of an area described in said petition was received by the Town of Clayton; and

WHEREAS, NC G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation, subject to the Clerk's satisfactory investigation of the sufficiency of the petition; and

WHEREAS, the area proposed for annexation is described as follows:

Being all of Lee Court, a 50-feet-wide public right of way and 593 feet in length paved road, situated in Johnston County, Clayton Township, and the Town of Clayton, in the State of North Carolina. The Town of Clayton hereby annexes said road to be included within the city limits. Lee Court was created by Plat Book 29 and Page 325, a subdivision plat recorded in the Johnston County register of deeds titled "Final Plat West Park Subdivision Section Two" and dated September 13, 1987. A portion of the Lee Court 50-feet-wide right of way joins with the Southern 100-feet-wide right of way of North Carolina Highway 42. The right of way of Lee Court is more particularly described as follows:

COMMENCING at a 1" iron pipe found at the Northwest corner of a lot (PIN 165807-57-2979) now or formerly Quad Towers, LLC and along the Southern right of way of said Highway 42, having a NAD 83 (2011) North Carolina State Plane coordinate of North 688155.49 feet and East 2155246.85 feet; thence proceeding to the POINT OF BEGINNING, a bearing of North 66° 33' 23" East, a distance of 150.52 feet and to a found 1" iron pipe also along the Southern right of way of Highway 42 and at the Northeast corner of the Quad Towers lot and also commencing the Western 50-feet-wide right of way of Lee Court.

Thence proceeding from the POINT OF BEGINNING, leaving the right of way of Highway 42 and proceeding onto and following the Western 50-feet-wide right of way of Lee Court the following courses: South 23° 16' 05" East, 240.34 feet, to a 1" iron pipe found at the Southeast corner of the Quad Towers lot and the Northwest corner of a lot (PIN 165807-57-3786) now or formerly Larry and Patricia Durham; thence South 23° 26' 36" East, 249.04 feet, to a bent 1" iron pipe found at the Southeast corner of the Durham lot and the Northeast corner of a lot (PIN 165807-57-6554) now or formerly MTR Properties, LLC, and the beginning of a curve to the right; thence along the curve having a radius of 20.13 feet, a curve length of 17.44 feet, a chord bearing of South 01° 41' 02" West, a chord distance of 16.90 feet to a point and the beginning of a curve to the left, still along the right of way of Lee Court and the MTR Properties lot; thence along the

curve having a radius of 50.00 feet, a curve length of 140.46 feet, a chord bearing of South 53° 54' 14" East, a chord distance of 98.62 feet to a point at the Northeast corner of the MTR Properties lot and the Southwest corner of a lot (PIN 165807-57-6579) also now or formerly MTR Properties, LLC, and passing a 20 feet-wide drainage and utility easement recorded in the Johnston County register of deeds in Plat Book 30, Page 217 that terminates at the right of way of Lee Court; thence continuing along a curve to the left having a radius of 50.00 feet, a curve length of 99.30 feet, a chord bearing of North 11° 16' 43" West, a chord distance of 83.77 feet to a point at the Northwest corner of the MTR Properties lot, and the Southwest corner of a lot (PIN 165807-57-5864) now or formerly MTR Properties, LLC, and the beginning of a 25 feet-wide drainage and utility easement recorded in the Johnston County register of deeds in Plat Book 63, Page 19, and that terminates at the right of way of Lee Court; thence continuing along a curve to the left having a radius of 50.00 feet, a curve length of 4.79 feet, a chord bearing of North 70° 55' 11" West, a chord distance of 4.79 feet to a 3/4" iron pipe found and the beginning of a curve to the right; thence along the curve to the right having a radius of 19.40 feet, a curve length of 17.26 feet, a chord bearing of North 48° 12' 37" West, a chord distance of 16.70 feet to a point; thence continuing along the Eastern right of way of Lee Court, North 23° 24' 10" West, 249.00 feet to the Northwest corner of the MTR Properties lot and the Southeast corner of a lot (PIN 165807-58-4082) now or formerly Affordable Auto Repair, LLC, and a 1/2" iron rod found with a plastic cap; thence North 23° 25' 11" West, 140.33 feet to the Northwest corner of said Affordable Auto Repair lot and the Southwest corner of a lot (PIN 165807-58-4133) also now or formerly Affordable Auto Repair, LLC and a point; thence North 23° 25' 11" West, 99.98 feet to the Northwest corner of the Auto Repair lot, the South 100-feet-wide right of way of Highway 42 and a point; thence leaving the right of way of Lee Court, and following the Southern Highway 42 right of way, South 66° 39' 47" West, 49.48 feet to a 1" iron and the POINT OF BEGINNING. The proposed area of the Lee Court right of way to be annexed is 32,598 square feet or 0.748 acres. The Lee Court annexation can be found documented on a plat drawn by Taylor Wiseman and Taylor (TWT) titled "Annexation Map for the Town of Clayton Lee Court" dated September 15, 2023, certified by Rex V. Bohn, PLS L-4343, and filed at the TWT Apex office.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that:

Section 1. The Town Clerk is hereby directed to investigate the sufficiency of the below described petition and to certify as soon as possible to the Town of Clayton Town Council the result of her investigation.

Section 2. Subject to the Town Clerk's satisfactory result of her investigation, a public hearing on the question of annexation of the area described herein will be held at the Town Hall Council Chambers, located at 111 E. Second Street, at 6:00PM (or as soon thereafter as is practical) on Tuesday, January 16, 2024.

Section 3. Notice of the public hearing shall be published in the Johnstonian News newspapers, having general circulation in the Town of Clayton, at least ten (10) days prior to the public hearing.

Duly adopted this 2nd day of January 2024, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Heidi Holland, CMC, NCCMC
Town Clerk

DESCRIPTION/ADDRESS:

Pin #: n/a

Non-Contiguous; .3248 acres



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

January 2, 2024

Agenda Location

CONSENT AGENDA

Item Title

Resolution Directing the Clerk to check for sufficiency of the petition for annexation; and to set the date of the public hearing for the annexation petition 2023-165-ANX Gregory Drive

Presenter(s)

Bruce Venable, Planner I

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media

- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey

☐ Special Mailing

☒ None Required

Summary

2023-165-ANX Gregory Drive. The applicant is petitioning the Town to annex +/- ..3248 acres of real property into the Town's corporate limits. This is a contiguous annexation, the site is within the Town's ETJ.

Background/History

This annexation is to bring Town-owned property into the corporate limits.

Recommendation

Town Staff recommends approval of the resolution.

Funding Source

N/A

Corresponding Documentation

[1 2023-165-ANX Staff Report Gregory Drive](#)

[2 2023-165-ANX Gregory Dr Annexation Plat](#)

[3 2023-165-ANX Town of Clayton-Gregory Dr. Annexation-Legal Description](#)

[Ordinance 2023-165-ANX Gregory Dr Contiguous](#)

[2023-165-ANX Resolution Directing Clerk To Investigate Contiguous AND to Set a Public Hearing](#)

Submitted By: Bruce Venable, Planning

Reviewed By:

Conrad Olmedo, Planning Director

Approved - Dec 22 2023

Rich Cappola, Town Manager

Approved - Dec 28 2023

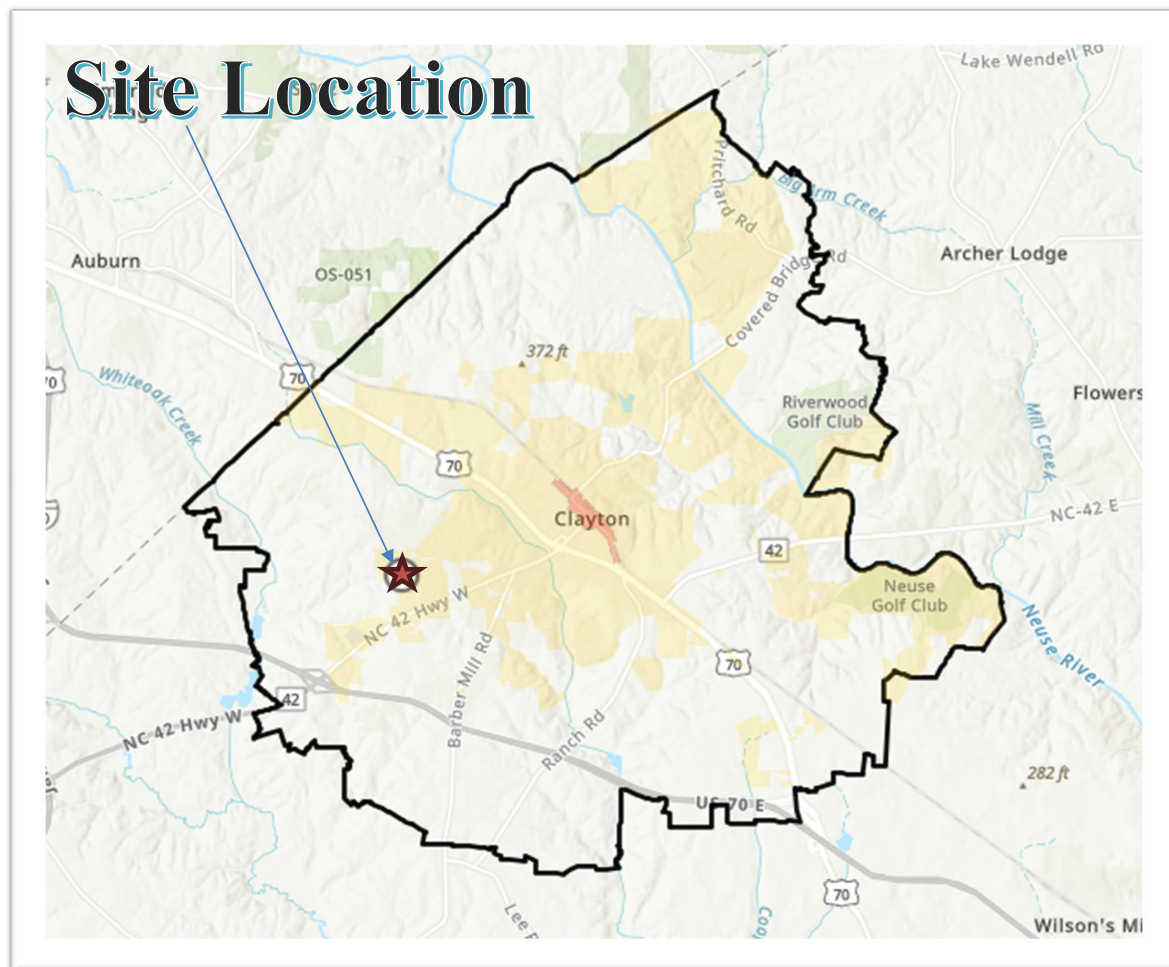
Heidi Holland, Town Clerk

Approved - Dec 28 2023



GREGORY DRIVE ANNEXATION

Project #:	2023-165-ANX	Location:	The right of way is located along Amelia Church Road.
Applicant:	TOWN OF CLAYTON	Project Type:	ANNEXATION
Property Owner:	TOWN OF CLAYTON	Proposed Use:	Public Right of Way
Staff Planner:	STEVEN MOTT, PLANNER II	TAG #s):	



PROJECT SUMMARY

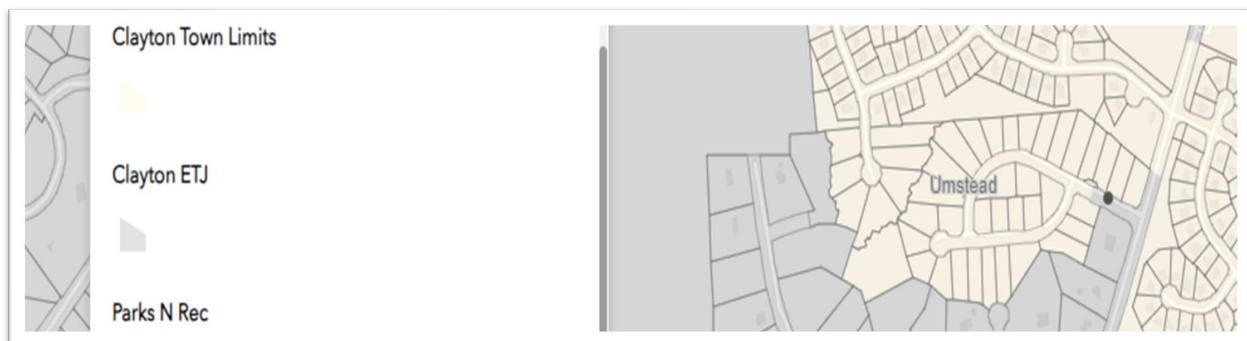
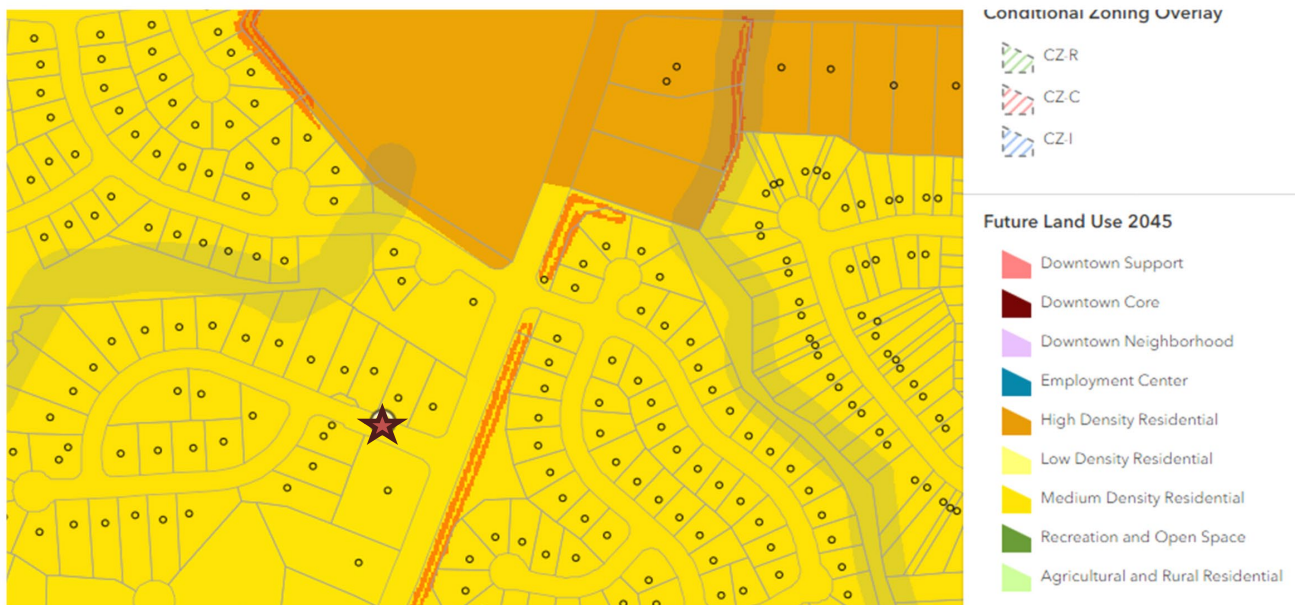
Gregory Drive is located off Amelia Church Road. This parcel is within Clayton's ETJ and would be considered a contiguous annexation. This annexation will allow the Town to maintain and improve this right of way in the future.

SITE DATA:

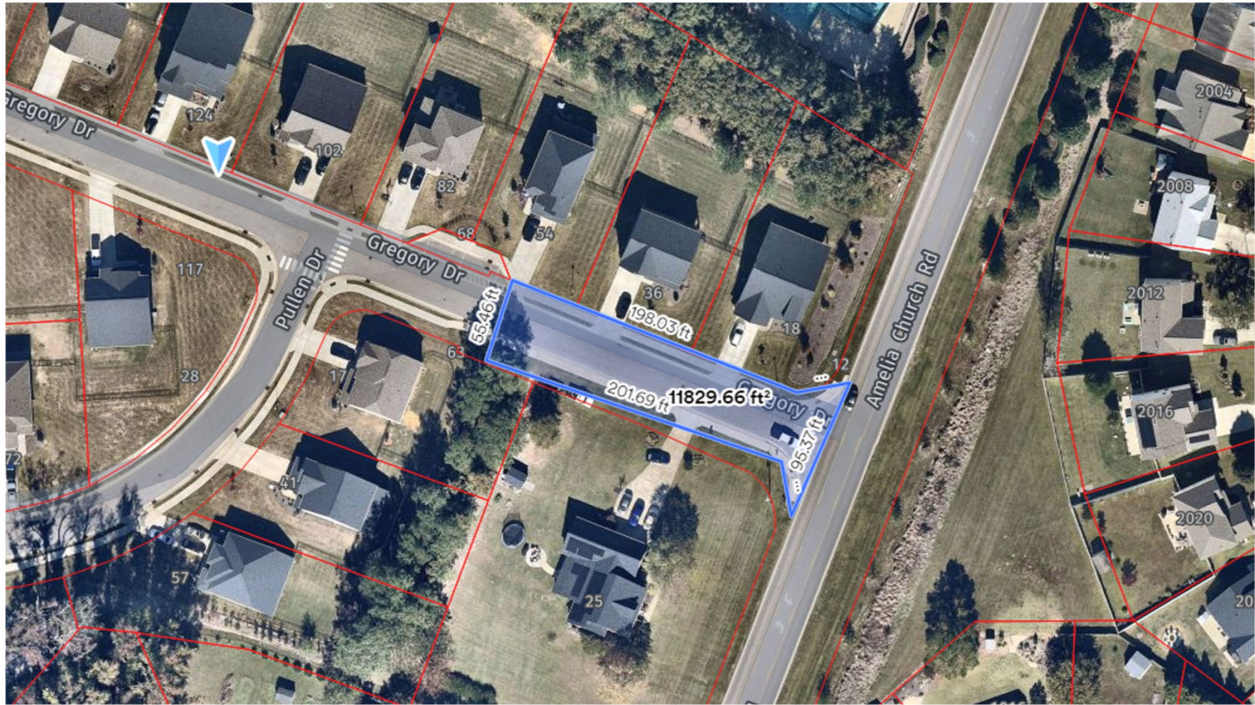
Acreage: +/- .3248 acres

Existing Use: Public ROW

FUTURE LAND USE MAP

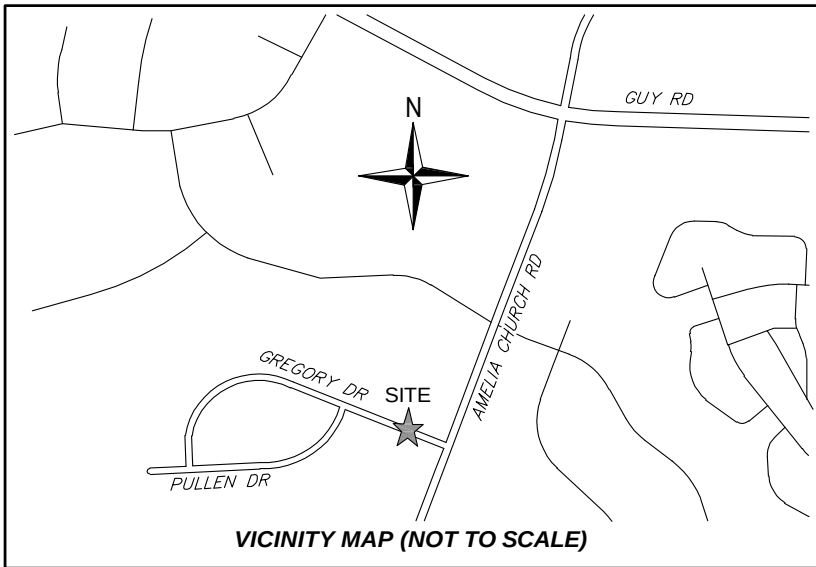


AERIAL MAP



ATTACHMENTS:

- 1) Staff Report
- 2) Petition for Annexation
- 3) Legal Description of Metes and Bounds
- 4) Annexation Plat
- 5) Annexation Ordinance



GENERAL NOTES

1) THE PURPOSE OF THIS PLAT IS TO DEFINE AN AREA OF GREGORY DRIVE RIGHT OF WAY THAT IS TO BE DEDICATED TO THE TOWN OF CLAYTON.

2) PROPERTIES SHOWN HEREON ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD THAT WOULD BE REVEALED BY A THOROUGH TITLE SEARCH. THIS PLAT SHOULD NOT BE RELIED UPON AS A COMPLETE RECORD OF ALL EASEMENTS THAT MAY AFFECT THESE PROPERTIES.

3) ALL DISTANCES AND COORDINATES SHOWN HEREON ARE LOCALIZED, GROUND INFORMATION, UNLESS SPECIFICALLY NOTED AS "GRID".

4) AREA(S) CALCULATED BY THE COORDINATE METHOD.

SURVEY CONTROL / GRID TIE NOTES

- 1) DATUM DESCRIPTION:
NC STATE PLANE COORDINATE SYSTEM
NAD83 (2011) [EPOCH: 2010.00]
NAVD88 [GEOID 2018]
- 2) UNIT OF MEASUREMENT: U.S. SURVEY FOOT
- 3) GPS FIELD PROCEDURE: REAL TIME NETWORK (VRS)
- 4) DATE OF GPS SURVEY: 09/01/2023
- 5) GPS ANTENNA: TRIMBLE R12i
- 6) PUBLISHED / FIXED CONTROL USED:
NAME: NCSD PID: DK6525
LATITUDE: 35°45'49.50798" N ELLIPSOID HEIGHT: 51.791m
LONGITUDE: 78°34'44.39455" W GEOID HEIGHT: -33.237m
- 7) ADJUSTMENT: SURVEY DATA WAS POST PROCESSED WITH TRIMBLE BUSINESS CENTER (TBC) USING A NETWORK LEAST SQUARES ADJUSTMENT AT THE 95% CONFIDENCE LEVEL.
- 8) CLASS OF SURVEY: CLASS A
- 9) POSITIONAL ACCURACY: 0.05'
- 10) POINT OF LOCALIZATION: CONTROL POINT #13
- 11) COMBINED FACTOR: 0.999884824

SYMBOL LEGEND	
	PROPERTY CORNER FOUND
	COMPUTED POINT
	DATUM CONTROL POINT
	SEWER MANHOLE
	GRADED INLET
	CURB INLET

LINE LEGEND	
	PROPERTY LINE (PL)
	PL NOT SURVEYED
	EASEMENT
	CURB & GUTTER
	SANITARY SEWER
	STORM SEWER
	EXISTING ANNEXATION LIMITS
	NEW ANNEXATION
	CURB & GUTTER

I, REX V. BOHN, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000; THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE REGISTRATION NUMBER AND SEAL THIS DAY SEPTEMBER 25, 2023.

REX V. BOHN LICENSE NO. L-4343

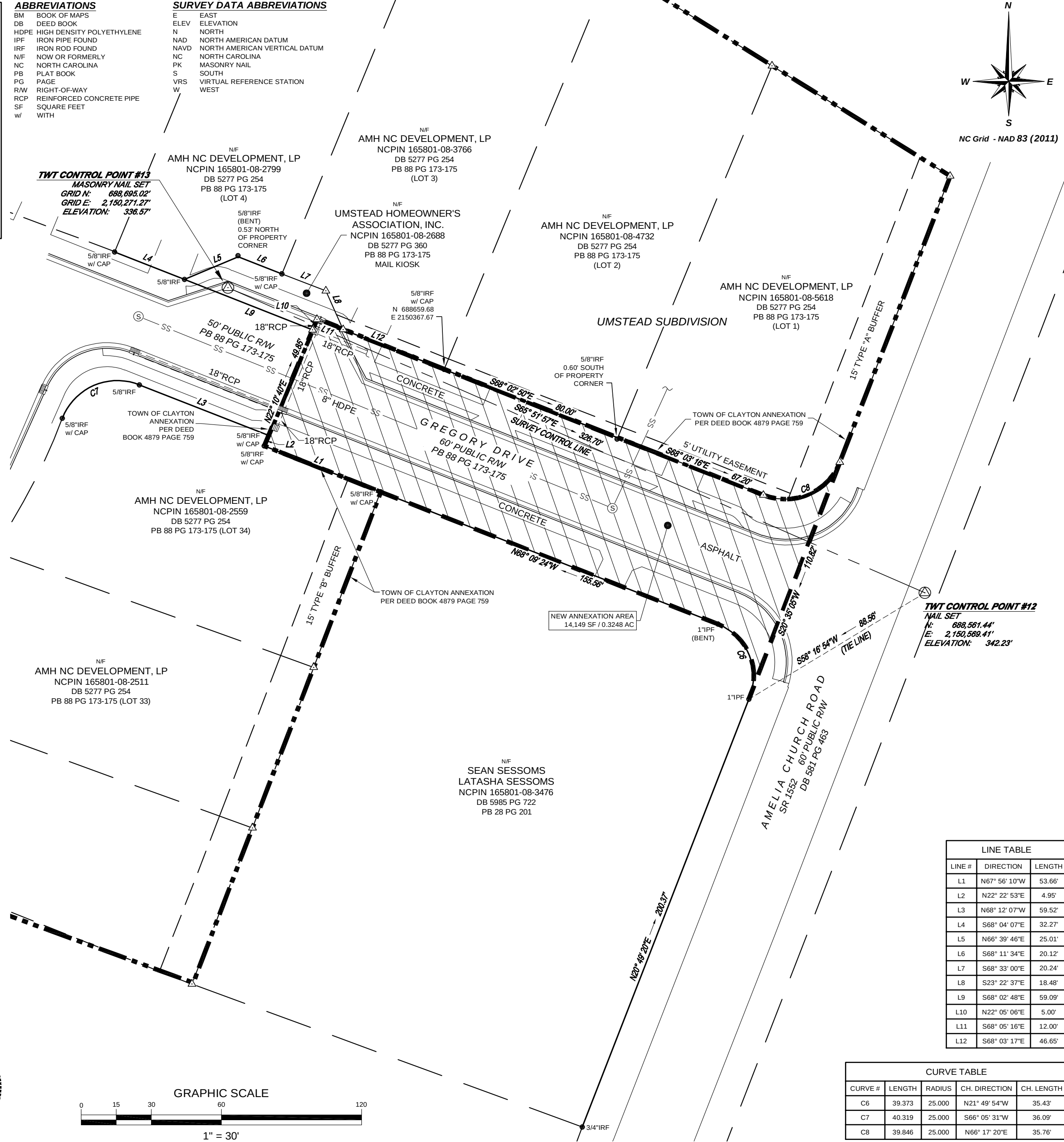


ABBREVIATIONS

BM BOOK OF MAPS
DB DEED BOOK
HDPE HIGH DENSITY POLYETHYLENE
IPF IRON PIPE FOUND
IRF IRON ROD FOUND
N/F NOW OR FORMERLY
NC NORTH CAROLINA
PB PLAT BOOK
PG PAGE
R/W RIGHT-OF-WAY
RCP REINFORCED CONCRETE PIPE
SF SQUARE FEET
W/ WITH

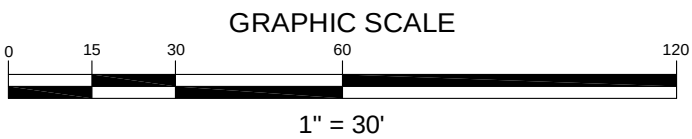
SURVEY DATA ABBREVIATIONS

E EAST
ELEV ELEVATION
N NORTH
NAD NORTH AMERICAN DATUM
NAVD NORTH AMERICAN VERTICAL DATUM
NC NORTH CAROLINA
PK MASONRY NAIL
S SOUTH
VRS VIRTUAL REFERENCE STATION
W WEST



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N67° 56' 10"W	53.66'
L2	N22° 22' 53"E	4.95'
L3	N68° 12' 07"W	59.52'
L4	S68° 04' 07"E	32.27'
L5	N66° 39' 46"E	25.01'
L6	S68° 11' 34"E	20.12'
L7	S68° 33' 00"E	20.24'
L8	S23° 22' 37"E	18.48'
L9	S68° 02' 48"E	59.09'
L10	N22° 05' 06"E	5.00'
L11	S68° 05' 16"E	12.00'
L12	S68° 03' 17"E	46.65'

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CH. DIRECTION	CH. LENGTH
C6	39.373	25.000	N21° 49' 54"W	35.43'
C7	40.319	25.000	S66° 05' 31"W	36.09'
C8	39.846	25.000	N66° 17' 20"E	35.76'



PREPARED FOR:

TAYLOR WISEMAN & TAYLOR
ENGINEERS SURVEYORS
SUBSURFACE UTILITY ENGINEERS
2043 ENERGY DRIVE, APEX, NC 27502
PHONE (919) 297-0085 FAX (919) 297-0090
NORTH CAROLINA LICENSE NUMBER: F-0362

PREPARED BY:

**ANNEXATION MAP
FOR THE TOWN OF CLAYTON
GREGORY DRIVE**

JOHNSTON COUNTY - CLAYTON TOWNSHIP - CLAYTON, NC

REVISIONS:	
DATE OF SURVEY:	SEPTEMBER 8, 2023
SCALE:	1" = 30'
DRAWN BY:	J. FLEMING
CHECKED BY:	R. BOHN, PLS
PROJECT:	70807.6000.00
SHEET:	1 / 1

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PROPOSED TOWN OF CLAYTON ANNEXATION

Being all of Gregory Drive, a 60-foot-wide public right of way and 232 feet in length paved road, situated in Johnston County, Clayton Township, and the Town of Clayton, in the State of North Carolina. The Town of Clayton hereby annexes said road to be included within the city limits. Gregory Drive was created by Plat Book 88 and Page 173 through Page 175, a subdivision plat recorded in the Johnston County register of deeds titled "Final Plat for Umstead" and dated January 3, 2019. A portion of the Gregory Drive 60-foot right of way joins with the 60 foot-wide right of way of Amelia Church Road, which also bears the North Carolina Department of Transportation (NCDOT) State Road number (SR) 1552. The right of way of Gregory Drive is more particularly described as follows:

COMMENCING at a 3/4" iron rod found at the Southeast corner of a lot (PIN 165801-08-3476) now or formerly Sean and Latasha Sessoms and along the western right of way of said SR 1552, Amelia Church Road; thence to the POINT OF BEGINNING, a bearing of North 20° 49' 20" East a distance of 200.37 feet and a 1" iron pipe also along the right of way of SR 1552 and at the Northeast corner of the Sessom's lot.

Thence proceeding from the POINT OF BEGINNING leaving the right of way of SR 1552 and proceeding onto and following the South right of way of Gregory Drive the following courses: a chord bearing of a curve to the left, with a radius of 25.00 feet, North 21° 49' 54" West a chord distance of 35.43 feet and curve length of 39.37 feet and a found 1" iron pipe; thence North 68° 09' 24" West, 155.56 feet to a found 5/8" iron rod with a plastic cap at the Southeast corner of lot 34 (PIN 165801-08-2559) now or formerly AMH NC Development, LP; thence North 67° 56' 10" West, 53.66 feet to a 5/8" iron rod with plastic cap; thence North 22° 22' 53" East, 4.95 feet to a found 5/8" iron rod with plastic cap at the point where Gregory Drive reduces to a 50 foot-wide public right of way and leaving the South right of way of Gregory Drive and lot 34; thence North 22° 10' 40" East, 49.85 feet to a point in the Northern 50 feet-wide right of way; thence North 22° 05' 06" East, 5.00 feet to a point in the Northern 60 feet-wide right of way of Gregory Drive and the Southern corner of the Kiosk lot now or formerly the Umstead Homeowner's Association, Inc (PIN 165801-08-2688); thence following along the Northern 60 feet-wide right of way the following courses: South 68° 05' 16" East, 12.00 feet to a point at the Southeast corner of the Kiosk lot and Southern corner of lot 3 (PIN 165801-08-3766) now or formerly AMH NC Development, LP; thence South 68° 03' 17" East, 46.65 feet to a 5/8" iron rod with plastic cap at the Southeast corner of lot 3 and the Southwest corner of lot 2 (PIN 165801-08-4732) now or formerly AMH NC Development, LP; thence South 68° 02' 50" East, 80.00 feet to a point at the Southeast corner of lot 2 and the Southwest corner of lot 1 (PIN 165801-08-5618) now or formerly AMH NC Development, LP; thence South 68° 03' 16" East, 67.20 feet to a point at the beginning of a curve to the left; thence a chord bearing, with a radius of 25.00 feet, North 66° 17' 20" East, a chord length of 35.76 feet and curve length of 39.85 feet to a point on the Western right of way of said SR 1552; thence leaving lot 1, following the Western right of way of SR 1552 and leaving the Northern right of way of Gregory Drive, South 20° 35' 05" West, 110.82 feet to the POINT OF BEGINNING.

The proposed area of Gregory Drive right of way to be annexed is 14,149 square feet or 0.325 acres. The Gregory Drive annexation can be found documented on a plat drawn by Taylor Wiseman and Taylor (TWT) titled "Annexation Map for the Town of Clayton Gregory Drive" dated September 25, 2023, certified by Rex V. Bohn, PLS L-4343, and filed at the TWT Apex office.

Ordinance # #2023-12-03

Annexation Petition 2023-161-ANX
D.R. Horton, INC.
Location: 05G01012D
Contiguous; 27.300 acres

**TOWN OF CLAYTON
ORDINANCE TO EXTEND THE CORPORATE LIMITS**

1. **WHEREAS**, the Clayton Town Council has been petitioned under NC GS 160A-31.
to annex the area described below; and

WHEREAS, the Clayton Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on January 2, 2024, where the Town Council meeting occurring on January 16, 2024, after due notice by publication in the Johnstonian on January 3rd, 2024; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS 160A-31;

NOW THEREFORE, BE IT ORDAINED by the Clayton Town Council of the Town of Clayton, North Carolina that:

1. **SECTION 1** By virtue of the authority granted by NC GS 160A-31., the following described territory is hereby annexed and made part of the Town of Clayton as of January 16, 2024:

Being all of Gregory Drive, a 60-foot-wide public right of way and 232 feet in length paved road, situated in Johnston County, Clayton Township, and the Town of Clayton, in the State of North Carolina. The Town of Clayton hereby annexes said road to be included within the city limits. Gregory Drive was created by Plat Book 88 and Page 173 through Page 175, a

subdivision plat recorded in the Johnston County register of deeds titled "Final Plat for Umstead" and dated January 3, 2019. A portion of the Gregory Drive 60-foot right of way joins with the 60 foot-wide right of way of Amelia Church Road, which also bears the North Carolina Department of Transportation (NCDOT) State Road number (SR) 1552. The right of way of Gregory Drive is more particularly described as follows:

COMMENCING at a 3/4" iron rod found at the Southeast corner of a lot (PIN 165801-08-3476) now or formerly Sean and Latasha Sessoms and along the western right of way of said SR 1552, Amelia Church Road; thence to the POINT OF BEGINNING, a bearing of North 20° 49' 20" East a distance of 200.37 feet and a 1" iron pipe also along the right of way of SR 1552 and at the Northeast corner of the Sessom's lot.

Thence proceeding from the POINT OF BEGINNING leaving the right of way of SR 1552 and proceeding onto and following the South right of way of Gregory Drive the following courses: a chord bearing of a curve to the left, with a radius of 25.00 feet, North 21° 49' 54" West a chord distance of 35.43 feet and curve length of 39.37 feet and a found 1" iron pipe; thence North 68° 09' 24" West, 155.56 feet to a found 5/8" iron rod with a plastic cap at the Southeast corner of lot 34 (PIN 165801-08-2559) now or formerly AMH NC Development, LP; thence North 67° 56' 10" West, 53.66 feet to a 5/8" iron rod with plastic cap; thence North 22° 22' 53" East, 4.95 feet to a found 5/8" iron rod with plastic cap at the point where Gregory Drive reduces to a 50 foot-wide public right of way and leaving the South right of way of Gregory Drive and lot 34; thence North 22° 10' 40" East, 49.85 feet to a point in the Northern 50 feet-wide right of way; thence North 22° 05' 06" East, 5.00 feet to a point in the Northern 60 feet-wide right of way of Gregory Drive and the Southern corner of the Kiosk lot now or formerly the Umstead Homeowner's Association, Inc (PIN 165801-08-2688); thence following along the Northern 60 feet-wide right of way the following courses: South 68° 05' 16" East, 12.00 feet to a point at the Southeast corner of the Kiosk lot and Southern corner of lot 3 (PIN 165801-08-3766) now or formerly AMH NC Development, LP; thence South 68° 03' 17" East, 46.65 feet to a 5/8" iron rod with plastic cap at the Southeast corner of lot 3 and the Southwest corner of lot 2 (PIN 165801-08-4732) now or formerly AMH NC Development, LP; thence South 68° 02' 50" East, 80.00 feet to a point at the Southeast corner of lot 2 and the Southwest corner of lot 1 (PIN 165801-08-5618) now or formerly AMH NC Development, LP; thence South 68° 03' 16" East, 67.20 feet to a point at the beginning of a curve to the left; thence a chord bearing, with a radius of 25.00 feet, North 66° 17' 20" East, a chord length of 35.76 feet and curve length of 39.85 feet to a point on the Western right of way of said SR 1552; thence leaving lot 1, following the Western right of way of SR 1552 and leaving the Northern right of way of Gregory Drive, South

20° 35' 05" West, 110.82 feet to the POINT OF BEGINNING. The proposed area of Gregory Drive right of way to be annexed is 14,149 square feet or 0.325 acres. The Gregory Drive annexation can be found documented on a plat drawn by Taylor Wiseman and Taylor (TWT) titled "Annexation Map for the Town of Clayton Gregory Drive" dated September 25, 2023, certified by Rex V. Bohn, PLS L-4343, and filed at the TWT Apex office.

SECTION 2 Upon and after January 16, 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-31.

SECTION 3 The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of (COUNTY), and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in SECTION 1 above, together with a duly certified copy of the ordinance. Such a map shall also be delivered to the County Board of Elections, as required by NC GS 163-288.1.

ADOPTED this 16th day of January 2024.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Heidi Holland, CMC, NCCMC
Town Clerk

Jim Cauley
Town Attorney

.....

**NORTH CAROLINA
JOHNSTON COUNTY**

This the _____ day of _____, 2024, personally appeared before me Heidi Holland, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Heidi Holland, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

Notary Public - Signature

Notary Public - Printed Name

Commission Expires: _____

County of Commission: _____

**RESOLUTION 2024-03 DIRECTING THE CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER NC G.S. 160A-31 AND SETTING THE DATE OF A PUBLIC HEARING
ON THE QUESTION OF ANNEXATION, 2023-165-ANX GREGORY DRIVE**

WHEREAS, a petition requesting annexation of an area described in said petition was received by the Town of Clayton; and

WHEREAS, NC G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation, subject to the Clerk's satisfactory investigation of the sufficiency of the petition; and

WHEREAS, the area proposed for annexation is described as follows:

Being all of Gregory Drive, a 60-foot-wide public right of way and 232 feet in length paved road, situated in Johnston County, Clayton Township, and the Town of Clayton, in the State of North Carolina. The Town of Clayton hereby annexes said road to be included within the city limits. Gregory Drive was created by Plat Book 88 and Page 173 through Page 175, a subdivision plat recorded in the Johnston County register of deeds titled "Final Plat for Umstead" and dated January 3, 2019. A portion of the Gregory Drive 60-foot right of way joins with the 60 foot-wide right of way of Amelia Church Road, which also bears the North Carolina Department of Transportation (NCDOT) State Road number (SR) 1552. The right of way of Gregory Drive is more particularly described as follows:

COMMENCING at a 3/4" iron rod found at the Southeast corner of a lot (PIN 165801-08-3476) now or formerly Sean and Latasha Sessoms and along the western right of way of said SR 1552, Amelia Church Road; thence to the POINT OF BEGINNING, a bearing of North 20° 49' 20" East a distance of 200.37 feet and a 1" iron pipe also along the right of way of SR 1552 and at the Northeast corner of the Sessom's lot.

Thence proceeding from the POINT OF BEGINNING leaving the right of way of SR 1552 and proceeding onto and following the South right of way of Gregory Drive the following courses: a chord bearing of a curve to the left, with a radius of 25.00 feet, North 21° 49' 54" West a chord distance of 35.43 feet and curve length of 39.37 feet and a found 1" iron pipe; thence North 68° 09' 24" West, 155.56 feet to a found 5/8" iron rod with a plastic cap at the Southeast corner of lot 34 (PIN 165801-08-2559) now or formerly AMH NC Development, LP; thence North 67° 56' 10" West, 53.66 feet to a 5/8" iron rod with plastic cap; thence North 22° 22' 53" East, 4.95 feet to a found 5/8" iron rod with plastic cap at the point where Gregory Drive reduces to a 50 foot-wide public right of way and leaving the South right of way of Gregory Drive and lot 34; thence North 22° 10' 40" East, 49.85 feet to a point in the Northern 50 feet-wide right of way; thence North 22° 05' 06" East, 5.00 feet to a point in the Northern 60 feet-wide right of way of Gregory Drive and the Southern corner of the Kiosk lot now or formerly the Umstead Homeowner's Association, Inc (PIN 165801-08-2688); thence following along the Northern 60 feet-wide right of way the

following courses: South 68° 05' 16" East, 12.00 feet to a point at the Southeast corner of the Kiosk lot and Southern corner of lot 3 (PIN 165801-08-3766) now or formerly AMH NC Development, LP; thence South 68° 03' 17" East, 46.65 feet to a 5/8" iron rod with plastic cap at the Southeast corner of lot 3 and the Southwest corner of lot 2 (PIN 165801-08-4732) now or formerly AMH NC Development, LP; thence South 68° 02' 50" East, 80.00 feet to a point at the Southeast corner of lot 2 and the Southwest corner of lot 1 (PIN 165801-08-5618) now or formerly AMH NC Development, LP; thence South 68° 03' 16" East, 67.20 feet to a point at the beginning of a curve to the left; thence a chord bearing, with a radius of 25.00 feet, North 66° 17' 20" East, a chord length of 35.76 feet and curve length of 39.85 feet to a point on the Western right of way of said SR 1552; thence leaving lot 1, following the Western right of way of SR 1552 and leaving the Northern right of way of Gregory Drive, South 20° 35' 05" West, 110.82 feet to the POINT OF BEGINNING. The proposed area of Gregory Drive right of way to be annexed is 14,149 square feet or 0.325 acres. The Gregory Drive annexation can be found documented on a plat drawn by Taylor Wiseman and Taylor (TWT) titled "Annexation Map for the Town of Clayton Gregory Drive" dated September 25, 2023, certified by Rex V. Bohn, PLS L-4343, and filed at the TWT Apex office.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that:

Section 1. The Town Clerk is hereby directed to investigate the sufficiency of the below described petition and to certify as soon as possible to the Town of Clayton Town Council the result of her investigation.

Section 2. Subject to the Town Clerk's satisfactory result of her investigation, a public hearing on the question of annexation of the area described herein will be held at the Town Hall Council Chambers, located at 111 E. Second Street, at 6:00PM (or as soon thereafter as is practical) on Tuesday, January 16, 2024.

Section 3. Notice of the public hearing shall be published in the Johnstonian News newspapers, having general circulation in the Town of Clayton, at least ten (10) days prior to the public hearing.

Duly adopted this 2nd day of January 2024, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Heidi Holland, CMC, NCCMC

Town Clerk

DESCRIPTION/ADDRESS:

Pin #: n/a

Non-Contiguous; .3248 acres



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

January 2, 2024

Agenda Location

ADMINISTRATIVE ITEMS

Item Title

Advisory Board By-Laws Update

Presenter(s)

Heidi Holland, Town Clerk

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☐
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing

- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☐ None Required

Summary

By-laws for all advisory boards were adopted at the December 4,2023 meeting. A change has been made to the "Officers" section for all boards to read as indicated on the resolution.

Funding Source

N/A

Corresponding Documentation

[Resolution To Amend All Town Advisory Board By-Laws \(1\)](#)

Submitted By: Heidi Holland, Clerks

Reviewed By:

Heidi Holland, Town Clerk

Approved - Dec 22 2023

**Resolution to Amend
Town of Clayton
Advisory Board By-Laws**

WHEREAS, the Clayton Town Council hereby adopts the following amendment to all Town-wide Advisory Boards, to include: Hocutt-Ellington Library Advisory Board, Public Art Advisory Board, Parks and Recreation Advisory Board, Planning Board, Clayton Fire Department Advisory Board, Downtown Development Association Advisory Board and Board of Adjustment.

These were adopted at the December 4, 2023 meeting. A change has been made to the "Officers" section for all boards to read:

- a. Officers. The appointment of a Board Chair and Vice-Chair, for the ensuing year, shall take place at the pleasure of the Board such that they are named at the March meeting each year. The mention of new officers shall be on the January agenda of each year; no action will be taken at this meeting. The Chair and Vice-Chair shall be appointed upon majority vote of the Board. Nominations may be made by any Board member. Officers shall serve a one-year appointment with eligibility for reappointment. In the event an officer's appointment to the Board is terminated, a replacement to this office shall be appointed by the Board at the next meeting.

Duly adopted by the Clayton Town Council this the 2nd day of January, 2024, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

January 2, 2024

Agenda Location

PUBLIC HEARINGS

Item Title

2023-138-ANX Leland A. Blessl Barbour Annexation

Presenter(s)

Bruce Venable, Planner I

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)

☒ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☐ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Other/Special Instructions: Public Notice Posted on Site

Summary

Applicant is seeking to annex .43 acres of contiguous land into the Town of Clayton in order to receive Town services.

Recommendation

Adoption of ordinance

Funding Source

N/A

Corresponding Documentation

[1 2023-138-ANX Staff Report Leland A & Blessl Barbour](#)

[2 Annexation PETITION, LEGAL DESCRIPTION, PLAT 2023-138-ANX Leland A & Blessl Barbour](#)

[3 2023-138-ANX Leland & Blessl Barbour Annexation - Resolution](#)

[4 Ordinance 2023-138-ANX Leland A and Blessl Barbour Annexation Contiguous](#)

Submitted By: Bruce Venable, Planning

Reviewed By:

Conrad Olmedo, Planning Director

Approved - Dec 22 2023

Rich Cappola, Town Manager

Approved - Dec 28 2023

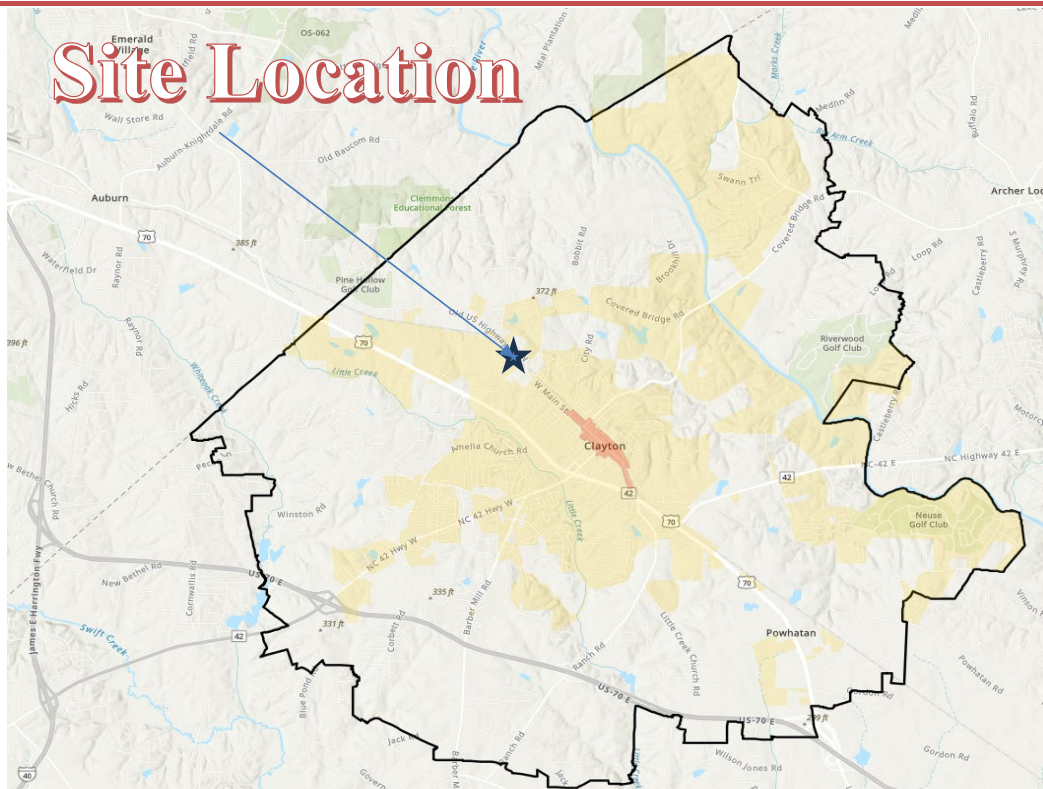
Heidi Holland, Town Clerk

Approved - Dec 28 2023



LELAND & BLESSL BARBOUR ANNEXATION

Project #:	2023-138-ANX	Location:	Parcel is located along Old US HWY 70 W and Lakeside DR.
Applicant:	Leland A. & Blessl Barbour	Project Type:	ANNEXATION
Property Owner:	Leland A. & Blessl Barbour	Proposed Use:	Residential
Staff Planner:	Bruce Venable, Planner I	TAG #(s):	05G01012D



PROJECT SUMMARY

The site is located off Old US HWY 70 between Shotwell Rd and Lakeside Dr. and is within Clayton's ETJ. The applicant has petitioned the Town to be annexed into the corporate limits of the Town of Clayton. The applicant is seeking annexation in order to receive Town utilities.

The property is located within the Claytex Fire District.

SITE DATA:

Acreage: +/- .43 acres
Existing Use: Vacant

FUTURE LAND USE MAP



AERIAL MAP





ATTACHMENTS:

- 1) Staff Report
- 2) Petition for Annexation
- 3) Legal Description of Metes and Bounds
- 4) Annexation Plat
- 5) Annexation Ordinance



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Application Review Fee: \$300

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant. There is an initial 15 business day review cycle with 3 Council hearing meetings. Expect an estimated minimum of 2-3 months for review/approval.

Annexation Plat and Legal Description (Metes & Bounds) Submission: The plat and a legal description (metes and bounds) must be submitted with the application and review fee.

Is the proposed land for annexation located outside the Claytex Fire District? ____ Yes ☒ No

**If the proposed land for annexation is located outside of the Claytex Fire District, the Fire District in which the land is located must be notified by the Town, and a payment from the applicant to the Town covering the proportional share of Fire District Debt of the land (as determined by the Fire District) will be required to be made. This process will increase the timeline for approval of these annexations.*

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved. These first two actions generally occur during the Consent Agenda item on 2 consecutive Town Council meetings.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton. The Public Hearing is generally held during the 3rd Council meeting, following approval of the Certificated Sufficiency and Resolution setting the Public Hearing date.

Recordation: If the annexation is approved by the Town Council, the applicant is required to submit one (1) Mylar annexation plat to the Planning Department for signature. The Annexation Plat shall be recorded at the appropriate county Register of Deeds.

Revised July 2023

Name of Project: 1412 OLD HWY 70 W Date: SEPT. 1, 2023
Applicant Name: LELAND A & BESSL BARBOUR Phone: (919) 427-1356 Email: besslrelampagos@yahoo.com

Petition for Voluntary Annexation Application

1. Application Type: ☒ Individual ☐ Corporation ☐ LLC ☐ Partnership
2. The proposed annexation will be: ☐ Contiguous Annexation ☐ Non-Contiguous Annexation

Property Information

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign the petition.

2. The area to be annexed is ☒ contiguous, ☐ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total Acreage to be annexed: 0.43 acres Existing Housing Units: 1

Population of acreage to be annexed: _____ Fire District: _____

Existing Zoning District*: _____ Proposed Town Zoning District*: _____

County Recorded Plat Book and Page #: BOOK 62, PAGE 361

Reason for petitioner to annex: ☒ Receive Town Services ☐ Other (please specify): _____

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in the termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate on the following page, and attach proof.)

FOR OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ Petition Number: _____

This page must be notarized prior to submitting to the Town for review

Complete ONLY if applying for an individual annexation and if property is owned by individual (s):

Leland A. Barbou
Please Print
BLESS R. BARBOUR
Please Print

Leland A. Barbou
Signature
B. Barbou
Signature

Complete ONLY if applying for a Corporation Annexation:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its secretary by order of its Board of Directors, this ____ day of _____, 20____.

SEAL

Corporate Name: _____

By: _____
(Signature)

Attest: _____
Secretary (Signature)

Complete ONLY if applying for a Limited Liability Company Annexation:

In witness whereof, _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20____.

Name of Limited Liability Company: _____

By: _____
Signature of Member/Manager

Complete ONLY if applying for a Partnership Annexation:

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20____.

Name of Partnership: _____

By: _____
Signature of General Partner

By: _____

By: _____
Signature of General Partner

By: _____

**STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON**

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this ____ day of _____, 20____.

SEAL

Notary Public

My Commission Expires: _____

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	Leave a 2-inch by 2-inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

Filed in JOHNSTON COUNTY, NC CRAIG OLIVE, Register of Deeds Filed 01/02/2019 09:05:38 AM
DEED BOOK: 5274 PAGE: 304-309 INSTRUMENT # 2019596814
Real Estate Excise Tax: \$80.00 Deputy/Assistant Register of Deeds: LaWanda Neal

Prepared by and Hold for: Kristoff Law Offices, P.A.
The property conveyed herein is not Grantor's principal residence

Revenue Stamps: \$80.00

NORTH CAROLINA
JOHNSTON COUNTY

Parcel ID No.: 05G01012D

GENERAL WARRANTY DEED

THIS DEED made this 11th day of December, 2018, by and between LELAND JERRY BARBOUR and wife, LECY NELL BARBOUR, JOHNNIE PARKER and wife, LINDA PARKER, JACKIE LYNN BARBOUR, a single person, MICKEY EDWARD TRUELOVE, a single person, and MIKE LYNN TRUELOVE, a single person, **Grantor**, whose address is 908 West Main Street, Clayton, North Carolina 27520; and LELAND ANTHONY BARBOUR and wife, BLESSL BARBOUR, **Grantee**, whose address is 3800 La Varra Drive, Clayton, North Carolina 27520 (the designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.);

WITNESSETH:

THAT the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does give, grant, bargain, and convey unto the Grantee, that certain lot or parcel of land situated in the Town of Clayton, Clayton Township, Johnston County, North Carolina and more particularly described as follows:

BEING all of that parcel of land containing 0.43 acre, more or less, as shown on map recorded in Plat Book 62, Page 361, Johnston County Registry, to which plat reference is hereby made for a full and complete description of said parcel of land.

Said parcel of land is conveyed subject to that Boundary Line Agreement which is recorded in Deed Book 4240, Page 941, Johnston County Registry. Said Agreement affected the western property line of the subject property only.

For chain of title, see Deed Book 2581, Page 715, 488, Page 354, Johnston County Registry and 17 E 694, Johnston County Clerk of Superior Court.

Submitted electronically by "Kristoff Law Offices, PA"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Johnston County Register of Deeds.

SUBJECT, HOWEVER, to the following Exceptions:

1. Ad Valorem taxes for the year 2018 and thereafter;
2. Easements, Restrictions, Rights-of-Way, and other appurtenances of record in the Johnston County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND THE GRANTOR covenants with the Grantee, that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions stated herein.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers and its seal to be hereunto affixed by the authority of its Board of Directors, the day and year first above written.

Leland Jerry Barbour (SEAL)
LELAND JERRY BARBOUR

Lecy Nell Barbour (SEAL)
LECY NELL BARBOUR

STATE OF NORTH CAROLINA

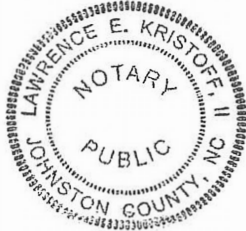
COUNTY OF Johnston

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Leland Jerry Barbour and Lecy Nell Barbour.

Date: 12/31/18

Print Name: Lawrence E. Kristoff

My Commission Expires: 3/29/2020



Johnnie Parker (SEAL)
JOHNNIE PARKER

Linda Parker (SEAL)
LINDA PARKER

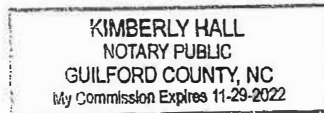
STATE OF NORTH CAROLINA

COUNTY OF Guilford

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Johnnie Parker and Linda Parker.

Date: 12/13/18

Kimberly Hall



Print Name: Kimberly Hall

My Commission Expires: 11/29/22

Jackie Lynn Barbour (SEAL)
JACKIE LYNN BARBOUR

STATE OF NORTH CAROLINA

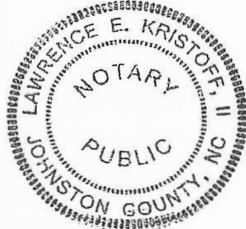
COUNTY OF Johnston

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Jackie Lynn Barbour.

Date: 12/31/18

Lawrence E. Kristoff II
Print Name: Lawrence E. Kristoff II

My Commission Expires: 3/29/2020



Mickey Edward Truelove (SEAL)
MICKEY EDWARD TRUELOVE

STATE OF NORTH CAROLINA

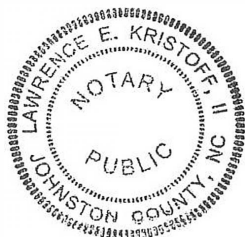
COUNTY OF Johnston

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Mickey Edward Truelove.

Date: 12/31/18

Print Name: Lawrence E. Kristoff

My Commission Expires: 3/29/2020



Mike Lynn TrueLove (SEAL)
MIKE LYNN TRUELOVE

STATE OF NORTH CAROLINA

COUNTY OF Johnston

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Mike Lynn TrueLove.

Date: 1/31/16Print Name: Lawrence KristoffMy Commission Expires: 3/29/2020

[illegible]

AC-ACRE

ONLY ONE ACCESSORY STRUCTURE ALLOWED PER
UNIT BE LOCATED BEHIND PRINCIPAL STRUCTURE

AC-ACRE

AS PURE GOLD MINISTRIES
DB 6137, PG 934

SECURE, INC.
DB 4286, PG 58
LOTS 19 & 20
PB 10, PG 146

EPIGMENIO PASCAL SEBASTIAN
DB 6155, PG 489

YANIRE'S DIAZ
DB 4132, PG 537
-30-
PB 62, PG 361

CLEE GRADY JONES, JR.
DB 3146, PG 183

PROPERTY ADDRESS:
1412 OLD US HWY 70 W
CLAYTON, NC 27520

PROPOSED SITE PLAN FOR:

AREA BY COORDINATE METHOD

PROPERTY ADDRESS:
1412 OLD US HWY 70 W
CLAYTON, NC 27520

PROPOSED SITE PLAN FOR:

I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Deed Book 5274, Page 304 or other referenced source PB 62, PG 361; that the ratio of precision or positional accuracy is 1:10,000; and that this map meets the requirements of THE STANDARDS OF PRACTICE for LAND SURVEYING in North Carolina, 12 NCAC 56.1600) This 14th day of _____, 2005.

DEED REFERENCE
DB 5274, PG 304
PARCEL ID NO.
05G01012D
SURVEYED BY
ET
FIELD BOOK
SEE FILE
DATE
6-6-23

LELAND ANTHONY BARBOUR
and BLESSL BARBOUR

SURVEYED BY	ET
FIELD BOOK	SEE FILE
DATE	6-6-23

AS RECORDED IN: PLAT BOOK 62, PAGE 361


 Jimmy C. Barbour, Professional Land Surveyor
 North Carolina License Number L-2855

DRAWN BY CSL
SCALE 1"=50'
DWG NO. 23-231

CLAYTON TWP. JOHNSTON COUNTY NC

JIMMY BARBOUR SURVEYING, P.A.

JIMMY C. BARBOUR, PLS, GSI
C-3109
213 South Second Street
P. O. BOX 28
SMITHFIELD, NC 27577
(919) 889-6642, PHONE (919) 889-6642

SHOTWELL ROAD
LAKESIDE DRIVE
RR TRACK
MAIN ST.

THIS MAP IS A RECOMMENDATION OF EXISTING PARCELS OF LAND AND NOT SUBJECT TO THE SUBDIVISION REGULATIONS OF THE TOWN OF CLAYTON

DATE: June 27, 2003

REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP CORRECTLY SHOWS THE PARCELS OF LAND AND MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING

DATE: June 30, 2003

STATE OF NORTH CAROLINA, JOHNSTON CO. FILED FOR REGISTRATION AT 1.001 M

REGISTERED IN BOOK 62 PAGE 361

BY: Dan B. Ploneman Deputy

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE JURISDICTION OF THE TOWN OF CLAYTON AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN WITH MY FREE CONSENT, ESTABLISHED MINIMUM SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, PARKS, AND OTHER SITES AND BASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE, I DEDICATE ALL ELECTRICAL SYSTEMS AND ALL SEWER AND WATER LINES TO THE TOWN OF CLAYTON.

DATE: June 27, 2003 OWNER: Alsey J. Gilbert

DATE: June 30, 2003 OWNER: Alsey J. Gilbert

I, ALSEY J. GILBERT PLS CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (and as shown by the record in the public records of the county of Johnston, NC) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DEDICATED PROPOSED OR FOUND IN BOOK 62 PAGE 361 THAT THE RATIO OF PRECISION IS 1:1000.00 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-20 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 27 DAY OF June AD 2003

ALSEY J. GILBERT PLS

REV. NO. 3701

THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND TO THE TOWN OF CLAYTON OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND

THIS SURVEY IS OF ANOTHER CATEGORY SUCH AS THE RECOMMENDATION OF AN EXISTING PARCELS OF LAND, A COURT ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION

THIS SURVEY IS OF AN EXISTING PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET

NCSR 1004
OLD GARNER ROAD
60' PUBLIC RW

LEGEND
EIP EXISTING IRON PIPE
IPS IRON PIPE SET
EIS EXISTING IRON STAKE
ISS IRON STAKE SET
RMW RIGHT OF WAY
PML PARKER PALM NAIL
ECM EXISTING CONC. MONUMENT
CMS CONCRETE MONUMENT SET
AREA BY COORDINATE METHOD
TITLE BY LAWYER
PROPERTY SUBJECT TO EASEMENT OF RECORD
THIS PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO PANEL NO.

POINT IN CENTER OF NEAR TOWN AND LAKESIDE DRIVE

RECOMMENDATION FOR:
VANDORIS ADAMS AND MARGARET PEARCE
CLAYTON TWP. JOHNSTON COUNTY NC
SCALE 1"=60'
DATE 1/6/03

OWNER:
VANDORIS ADAMS
1418 70A W
CLAYTON NC 27320

OWNER:
MARGARET PEARCE
1412 70A W
CLAYTON NC 27320

ALSEY J. GILBERT PLS
113 NORTH COURSE ST.
CLAYTON NC 27320
PHONE 919-555-1004
FAX 919-555-1005

**RESOLUTION 2023-97 DIRECTING THE CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER NC G.S. 160A-31 AND SETTING THE DATE OF A PUBLIC HEARING
ON THE QUESTION OF ANNEXATION, 2023-138-ANX Leland A. Blessl Barbour
Annexation**

WHEREAS, a petition requesting annexation of an area described in said petition was received by the Town of Clayton; and

WHEREAS, NC G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation, subject to the Clerk's satisfactory investigation of the sufficiency of the petition; and

WHEREAS, the area proposed for annexation is described as follows:

BEING all of that parcel of land containing 0.43 acre, more or less, as shown on map recorded in Plat Book 62, Page 36 I, Johnston County Registry, to which plat reference is hereby made for a full and complete description of said parcel of land.

Said parcel of land is conveyed subject to that Boundary Line Agreement which is recorded in Deed Book 4240, Page 941, Johnston County Registry. Said Agreement affected the western property line of the subject property only.

For chain of title, see Deed Book 2581, Page 715, 488, Page 354, Johnston County Registry and 17 E 694, Johnston County Clerk of Superior Court.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that:

Section 1. The Town Clerk is hereby directed to investigate the sufficiency of the below described petition and to certify as soon as possible to the Town of Clayton Town Council the result of her investigation.

Section 2. Subject to the Town Clerk's satisfactory result of her investigation, a public hearing on the question of annexation of the area described herein will be held at the Town Hall Council Chambers, located at 111 E. Second Street, at 6:00PM (or as soon thereafter as is practical) on Tuesday, January 2, 2024.

Section 3. Notice of the public hearing shall be published in the Johnstonian News newspapers, having general circulation in the Town of Clayton, at least ten (10) days prior to the public hearing.

Duly adopted this 18th day of December 2023, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Heidi Holland, CMC, NCCMC
Town Clerk

DESCRIPTION/ADDRESS:
Pin #: 165907-58-9136
Contiguous; 0.43 acres

Ordinance # #2023-12-02

Annexation Petition 2023-138-ANX
Leland A. & Blessl Barbour
Location: 05G01012D
Contiguous; .4330 acres

**TOWN OF CLAYTON
ORDINANCE TO EXTEND THE CORPORATE LIMITS**

1. WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-31.
to annex the area described below; and

WHEREAS, the Clayton Town Council has by resolution directed the Town Clerk to investigate
the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on
the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on
December 18, 2023, where the Town Council meeting occurring on January 2, 2024, after due
notice by publication in the Johnstonian on December 20th, 2023; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS
160A-31;

NOW THEREFORE, BE IT ORDAINED by the Clayton Town Council of the Town of
Clayton, North Carolina that:

1. **SECTION 1** By virtue of the authority granted by NC GS 160A-31., the following
described territory is hereby annexed and made part of the Town of Clayton as of January
2, 2024:

BEING all of that parcel of land containing 0.43 acre, more or less, as shown on map
recorded in
Plat Book 62, Page 36 I, Johnston County Registry, to which plat reference is hereby made
for a

full and complete description of said parcel of land.
Said parcel of land is conveyed subject to that Boundary Line Agreement which is recorded in Deed Book 4240, Page 941, Johnston County Registry. Said Agreement affected the western property line of the subject property only.
For chain of title, see Deed Book 2581, Page 715, 488, Page 354, Johnston County Registry and 17 E 694, Johnston County Clerk of Superior Court.

SECTION 2 Upon and after January 2, 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

SECTION 3 The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of (COUNTY), and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in SECTION 1 above, together with a duly certified copy of the ordinance. Such a map shall also be delivered to the County Board of Elections, as required by NC GS 163-288.1.

ADOPTED this 2nd day of January 2024.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Heidi Holland, CMC, NCCMC
Town Clerk

Jim Cauley
Town Attorney

.....

NORTH CAROLINA
JOHNSTON COUNTY

This the _____ day of _____, 2024, personally appeared before me Heidi Holland, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Heidi Holland, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

Notary Public - Signature

Notary Public - Printed Name

Commission Expires: _____

County of Commission: _____



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

January 2, 2024

Agenda Location

PUBLIC HEARINGS

Item Title

Update to System Development Fees

Presenter(s)

Joshua Baird, PE, CFM - Engineering Director, Acting Water Resources Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☐
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☒
Think Public
Services &
Infrastructure

Public Hearing: Yes

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)

☒ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☐ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Summary

House Bill 436 passed in 2017 re-structured how public utilities calculate and implement fees to recover capital investments made to provide capacity for new development. System development fees are those upfront charges that development pays for the Town to be able to build the additional capacity into its systems. The Town adopted fees under the revised system development fee structure in 2018. HB 436 requires utilities to update the analysis every five years. Black & Veatch consultants performed the original analysis and staff have worked with them over the past couple of months to perform an updated analysis. The analysis takes into account the CIP, existing capacity within the system, future planned capacity, existing assets, debt service, and numerous other elements. Existing users/customers do not pay system development fees as it only applies to new connections or or if an existing user/customer increases its demand from the utility system. The detailed analysis determines the maximum amount a utility can charge but does not require adoption of the maximum amount. Information was provided at the October 2nd, 2023 Town Council meeting and the required 45-day public comment period has ended. Staff did not receive any comments on the analysis.

Staff recommend approval of the updated system development fee report, proposed implementation plan, and fee ordinance.

Funding Source

N/A

Corresponding Documentation

[Clayton Water and Sewer System Capacity Fee Report - August 2023](#)

[Water and Sewer System Development Fee Presentation 10-02-2023-Final](#)

[Ordinance_2024](#)

Submitted By: Joshua Baird, Engineering

Reviewed By:

Joshua Baird, Engineering Director

Rich Cappola, Town Manager

Heidi Holland, Town Clerk

Approved - Dec 27 2023

Approved - Dec 28 2023

Approved - Dec 28 2023

WATER AND WASTEWATER CAPACITY FEES REPORT “PROPOSED”

DRAFT

B&V PROJECT NO. 197551

PREPARED FOR

Town of Clayton, North Carolina

25 AUGUST 2023

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1.0 Executive Summary

The Town of Clayton (Town), North Carolina conducts a periodic review of its water and wastewater system capacity fees (Capacity Fees). Consistent with that industry best practice, the Town desired a review and update of existing capacity fees and retained Black & Veatch Management Consulting LLC to perform a review (Study). New development creates a demand for additional water and sewer utility services and consequently the need for requisite infrastructure capacity to meet demand. Capacity Fees are one-time fees assessed to customers that seek to connect to the water and sewer systems such that these customers pay their appropriate share of the costs to join the system. Capacity Fees help ensure that new development contributes to the cost of the necessary public facilities required to provide service.

This report provides an overview of the capacity fee determination approach used in the Study, the findings, and the recommendations for potential changes to the Town’s Capacity Fees.

The analysis conducted in this Study include a review of a number of commonly accepted approaches for developing capacity fees for the water and wastewater systems:

1. The **buy-in** or reimbursement approach considers the capacity available in existing utility assets;
2. The **incremental** approach identifies the demands that new water and wastewater service connections place on both utility systems which require the construction of new facilities; and
3. The **combined** systems approach calculates a fee based on the investment in the existing system and the future anticipated investment required to serve new growth.

The Study utilized the “Combined Systems Approach” in which the Capacity Fees are determined taking into consideration, both the investments in the existing system and the future anticipated investments required to serve new growth.

In addition, the typical water usage characteristics of an Equivalent Residential Unit (ERU) is established per connection and multiplied by the net cost per unit of service (\$ per ERU), for the water and sewer system, respectively, to determine the Capacity Fees. An applicable assignment of credits is determined and deducted from the gross unit cost basis to determine the net unit cost basis of the Capacity Fee for each utility.

To calculate the utility Capacity Fees, industry guidelines and best practices were utilized, and relevant legal requirements related to utility Capacity Fees were considered.

Following this section, the report discusses Black & Veatch Management Consulting, LLC’s (Black & Veatch’s) recommendations, general assumptions, and the water and wastewater capacity analysis.

In conducting its analyses and in forming an opinion of future costs summarized in this Report, Black & Veatch has made certain assumptions with respect to conditions, events, and circumstances that may occur in the future. This Report summarizes such assumptions and methodologies. While Black & Veatch believes the assumptions are reasonable and the projection methodology valid,

actual results may differ materially from those projected, as influenced by the conditions, events, and circumstances that occur. The methodology utilized by Black & Veatch in performing the analysis follows generally accepted water and wastewater industry practices for such projections.

2.0 Recommendations

The recommendations related to the capacity fees analysis are summarized as follows:

Black & Veatch used the "Combined Systems Approach" to calculate the maximum allowable capacity fee because the Town's water and wastewater systems maintain existing and available capacity for new customers and the Town intends to add new water and wastewater capacity to serve new customers.

- The Maximum Allowable Capacity Fees (Capacity Fees) for the water and wastewater systems is calculated to be **\$5,983.00** and **\$7,037.00** for a 5/8 -inch meter connection, respectively, which is representative of one (1) ERU.

Table 1 summarizes the calculated maximum allowable water and wastewater capacity fees by meter size for 5/8 inch to 2.0 inch meters. Water and wastewater service that is requested for meters greater than 2.0 inches will be ratified through a service agreement at the time of application for service.

Table 1 Proposed Town of Clayton Water and Wastewater Maximum Allowable Capacity Fees

METER SIZE (IN.)	METER EQUIVALENTS	WATER CAPACITY FEE (\$)	WASTEWATER CAPACITY FEE (\$)
5/8	1.00	\$5,983	\$7,037
3/4	1.50	\$8,975	\$10,556
1.0	2.50	\$14,958	\$17,593
1.5	5.00	\$29,915	\$35,185
2.0	8.00	\$47,864	\$56,296

- The Town should prepare a Capacity Fee Ordinance and complete the requisite filing notifications to retain the necessary approvals of the Capacity Fees.
- The Town should consider implementing the water and wastewater system capacity fee at 100% of the calculated Capacity Fees.
- Black & Veatch recommends that the Town follow the requirements for water and wastewater capacity fees detailed in the North Carolina House Bill 436 (HB 436) "Public Water and Sewer System Development Fee Act" related to implementing and assessing capacity fees.
- Black & Veatch recommends that the Town perform water and sewer system capacity fee reviews every 3 years.

3.0 Introduction

The Town retained Black & Veatch to perform a Water and Wastewater Capacity Fees analysis to review and propose an update to the existing Capacity Fees. This Study report provides the background, study methodology, findings, and recommendations for the proposed Capacity Fees.

3.1 PURPOSE OF CAPACITY FEES

Often called by different names (development impact fees, connection fees, system development charges, improvement charges, capacity charges, and full cost connection fees), utility Capacity Fees are one-time fees assessed to customers that seek to connect to the respective water and wastewater utility systems. The Capacity Fees provide a mechanism to recover from new connections, the proportional share for capital improvements previously made and/or expected to be made that result in available capacity to serve new connections. The Capacity Fee revenues must be solely used for capital investments thereby offsetting costs that would otherwise have to be borne by existing water and sewer customers.

A Capacity Fee represents new growth’s proportionate share of contribution to utility capital facility needs. Legal principles surrounding Capacity Fees require that fee revenues may be used only for capital improvements, not for operating and maintenance costs. HB 436 outlines the uses and administration of Capacity Fee revenues that are generated based on the Combined Systems Approach, as follows:

- I. Cost of constructing capital improvements including, and limited to, any of the following:
 - Construction contract prices;
 - Surveying and engineering fees;
 - Land acquisition cost;
 - Principal and interest on notes, bonds, or other obligations issued by or on behalf of the local government unit to finance the construction or acquisition of existing capital improvements
- II. Revenue from system development fees calculated using the buy-in method may be expended for previously completed capital improvements for which capacity exists and for capital rehabilitation projects. The basis for the buy-in calculation for previously completed capital improvements shall be determined by using a generally accepted method of valuing the actual or replacement costs of the capital improvement for which the buy-in fee is being collected less depreciation, debt credits, grants, and other generally accepted valuation adjustments.
- III. A local governmental unit may pledge a system development fee as security for the payment of debt service on a bond, note, or other obligation subject to compliance with the foregoing limitations.
- IV. System development fee revenues shall be accounted for by means of a capital reserve fund established pursuant to Part 2 of Article 3 of Chapter 159 of the General Statutes and limited as to expenditure of funds in accordance with this section.

In addition, Capacity Fees cannot be used to correct existing deficiencies within the utility systems.

Therefore, Capacity Fees have restricted uses and is considered as one component of a comprehensive capital funding revenue source, to help ensure adequate provision of utility public facilities with the goal of maintaining current levels of utility service within a community or service area.

3.2 GENERAL CAPACITY FEE METHODOLOGIES

There is no single established method for determining capacity fees that is appropriate for all situations. There are, however, various approaches that are currently recognized and utilized within the rate-setting industry, some to a greater extent than others, by government agencies.

These methods can be categorized as follows:

- **System Buy-in or Reimbursement Approach.** Fees are designed to derive from the new customer an amount per connection equal to the “equity” in the system attributable to similar existing customers. New development would pay for its share of the useful life and remaining capacity of existing facilities from which new development would benefit. The System Buy-In Approach tends to be best suited for application when there is adequate capacity available in existing facilities to serve new customers. (Note: The word “equity” refers to that portion of system value for which there is no offsetting debt. It does not imply ownership of or title to, utility facilities.)
- **Incremental Cost-Pricing Approach.** Fees are designed to derive from the new customer the marginal, or incremental, cost of system expansion associated with new customer growth. The incremental approach follows the premise that new connections to a utility system should be responsible for those costs that the utility incurs for the most recent or next increment of required system capacity. The Incremental Cost Approach is best suited when capacity in the existing facilities is inadequate to serve new growth, and the planned incremental capacity investment is targeted to serve new customers.
- **Combined Systems Approach.** Fees developed under the combined systems approach recognize two parts. The first part indicates the current investment in existing capacity available for new customers and the second part indicates the incremental cost of any new capacity available to serve new growth. This Combined Systems Approach is suitable for a system that has unutilized capacity in its existing system to serve new customers, but requires additional facilities and/or processes to serve both existing and new customers.

The study detailed herein utilizes the **Combined Systems Approach** to determine the MACF for the water and sewer systems.

The **Combined Systems Approach** requires more robust information pertaining to planning, estimate of future conditions, and accurate record keeping to calculate a MACF appropriately. This methodology results in the following benefits:

- Recognition of investment in the system by existing customers and the incremental capacity additions necessary to serve new growth;
- A defensible and consistent methodology that utilizes industry best practice principles and complies with applicable legal requirements; and

- The MACF calculation provides flexibility for the utility to consider policies, in defining Capacity Fees, that are lower than the Maximum Allowable Capacity Fee.

The Town maintains existing available capacity for new customers and plans to augment this capacity with additional water and wastewater system capacity over the planning horizon, FY 2023 through FY 2032. As such, Black & Veatch has determined that the **Combined Systems Approach** is appropriate for determining the MACF.

3.3 LEGAL FRAMEWORK

The tenets of the analysis detailed herein follow the requirements of the Chapter 162A of HB 436. HB 436 was passed on the 20th day of July 2017 to provide uniform authority to implement system development fees for water and sewer systems in North Carolina. The bill outlines specific requirements and a schedule of action steps that require completion before implementing updated or new water and/or sewer system capacity fees by July 1, 2018. As understood by Black & Veatch through meetings and discussions with Town staff, the Town has completed all the HB 436 action steps and remain compliant with the requirements of HB 436.

The legal background presented herein explains the general framework that most utility’s use to develop capacity fees throughout the United States.

The legal framework is supported and endorsed by a variety of sources most notably AWWA, the leading water utility organization in the country, and WEF, the leading wastewater utility organization. Specifically, each organization has developed a manual of practice for the setting of water and wastewater rates, fees, and charges, AWWA’s *Principles of Water Rates, Fees, and Charges – Manual of Water Supply Practices M1*, and WEF’s *Financing and Charges for Wastewater Systems, Manual of Practice 27*. Black & Veatch professionals are regularly involved in the update of these manuals, including the most recent versions.

There are three reasonable relationship requirements for Capacity Fees that are closely related to “rational nexus” or “reasonable relationship” requirements enunciated by a number of state courts throughout the U.S. These three requirements are:

1. Demonstrate the **“need”** for the new service,
2. Outline the **“benefit”** to be received by the system, and
3. Define the nature by which the service provided and related cost will be **“proportionally”** shared on the system.

All new development in a community creates additional demand on some, or all, public facilities provided by local government. If the capacity of the respective facilities is not appropriately adjusted to satisfy that additional demand, the quality or availability of public services for the entire community will be challenged. Capacity fees may be used to recover the cost of development-related facilities, but only to the extent that the need for these additional facilities is a consequence of new development.

In North Carolina, imposition, collection, and use of impact fees by local governments and authorities are subject to the requirements of HB 436. The salient provisions of this law are as follows:

- I. A system development fees shall be calculated based on written analysis, prepared in the following manner:
 - a. Prepared by a finance or engineering professional;
 - b. Document in reasonable detail the facts and data used;
 - c. Employ generally accepted accounting, engineering, and planning methodologies;
 - d. Identify all assumptions and limiting conditions affecting the analysis;
 - e. Include an equivalency or conversion table for various categories of demand;
 - f. Cover a planning horizon of at least 10 years and at most 20 years; and
 - g. Be adopted by resolution or ordinance.
- II. Amount of fee charged cannot exceed the fee calculated, MACF, based on the above analysis.
- III. Calculation of fee should take into consideration applicable revenue credit and construction or contribution credits.
- IV. The analysis must be posted on the utilities' website at least 45 days before considering the adoption and provide means to submit written comments.
- V. Revenue from system development fees calculated using the incremental cost method as part of the combined cost method can only be used for construction costs, professional fees, and debt service on capital improvement projects.
- VI. Revenues from system development fees must be accounted for in a capital reserve fund.

The Town's capacity fees are calculated to reflect a proportionate share of system improvement costs to the new customers benefiting from its past and future investments in water and sewer system facilities.

3.4 CREDITS

A consideration of credits is integral to the implementation of a defensible capacity fee methodology, and HB 436 outlines this consideration as a requirement. The credits outlined in HB 436 can be categorized as follows:

- I. Contributed Assets Credits - This type of credit considers the payment of the cost of the new capital improvements by new customers joining the system.

- II. Debt Service Credits - This provides credit for the proportionate share of outstanding principal on previous capital improvements, which the new customers will pay through their water and wastewater rates.
- III. Grant Funded Assets - The assets which were funded through grant monies received by the utility and for which the utility did not bear any costs.
- IV. Minimum Calculated Credit – At no time shall the total aggregated credit (contributed assets, debt service, and grant funded) be less than 25.0% of water and sewer system capital improvements projects utilized in the calculation of the water and sewer capacity fees.

Black & Veatch has considered these types of credits and the minimum requirements as a part of the capacity fee calculation, where possible, so that we only recover the associated cost of the asset once, thus reducing the water and wastewater MACF. As such, the Minimum Calculated Credit was utilized and applied to the MACF calculation for the utility systems.

4.0 Capacity Fee Analysis

4.1 WATER AND SEWER CAPACITY

4.1.1 Population Growth

The North Carolina Office of State Budget and Management (OSBM) maintain a forecast of population growth for all Cities and Counties within North Carolina. The OSBM has indicated that the Cities of Charlotte and Raleigh have experienced rapid growth and the OSBM anticipates that growth will continue over the next 10 years. The Town is a neighboring municipality of Raleigh, located within Johnston County, North Carolina. As detailed in **Table 2**, Johnston County recorded population as of July 2019 was 211,110. The OSBM's forecasts that the population within Johnston County will grow from 217,723 in July 2020 to 230,077 by July 2022 which aggregates to a historical compound annual growth rate of 2.91%.

Table 2 Summary of Population Growth

LINE NO.	FISCAL YEAR	POPULATION
	Historical:	
1	FY 2019	211,110
2	FY 2020	217,723
3	FY 2021	223,975
4	FY 2022	230,077
	Forecasted:	
5	FY 2023	235,925
6	FY 2024	241,433
7	FY 2025	246,695
8	FY 2026	251,779
9	FY 2027	256,733
10	FY 2028	261,592
11	FY 2029	266,387
12	FY 2030	271,133
13	FY 2031	275,843
14	FY 2032	280,529

4.1.2 Water and Sewer Customer Information

The Town has experienced increases in the number of customers served which necessitates the need to manage the existing water and sewer system capacity to serve new growth. Over fiscal years (FY) 2020 through FY 2022, the total water system accounts increased from 10,421 to 11,554 and the sewer system accounts increased from 9,004 to 10,221 respectively. Based on the current level of build out applications and the current increase in the demand for water and sewer services, Black & Veatch utilized a 1.0% growth rate to forecast the growth in water and sewer system accounts over the forecasted period. As such, we project that water and sewer accounts will grow to 11,670 and 10,322 respectively in FY 2023 and these accounts will experience further growth and reach 12,763 (water) and 11,289 (sewer) by the end of FY 2032.

Table 3 presents the detailed historical and projected customer account information for the water and wastewater systems.

Table 3 Total Water and Sewer Accounts

LINE NO.	FISCAL YEAR	WATER	SEWER
	Historical:		
1	FY 2020	10,421	9,004
2	FY 2021	11,131	9,735
3	FY 2022	11,554	10,221
	Projected:		
3	FY 2023	11,670	10,322
4	FY 2024	11,786	10,425
5	FY 2025	11,5904	10,530
6	FY 2026	12,023	10,635
7	FY 2027	12,143	10,741
8	FY 2028	12,265	10,849
9	FY 2029	12,387	10,957
10	FY 2030	12,511	11,067
11	FY 2031	12,636	11,177
12	FY 2032	12,763	11,289

4.1.3 Water and Sewer Flow Information

The Town anticipates that the sale of water and sewer flow will grow at the same rate as the forecast in customer accounts over the forecast period. Additionally, the Town expects that the use of water and sewer system flow per account will hold consistent over the forecast period. All water and sewer flow presented in this section of the Report are in thousands of gallons.

At the end of FY 2022, water and sewer flow reconciled to be 1,112,999 and 913,211 respectively. By the end of FY 2022, water flow is anticipated to increase to 1,292,023 and sewer flow is anticipated to increase to 985,337. Based on the current level of build out applications and the anticipated increase in the demand for utility services, the Town estimates that water and wastewater flow will increase to 1,427,197 and 1,088,425 respectively in FY 2032.

Table 4 presents the detailed historical and projected sale of water and sewer system flows.

Table 4 Water and Sewer Flow

LINE NO.	FISCAL YEAR	WATER FLOW	SEWER FLOW
	Historical:	1,000 gallons	1,000 gallons
1	FY 2020	1,112,999	913,211
2	FY 2021	1,278,982	973,043
3	FY 2022	1,292,023	985,337
	Projected:		
4	FY 2023	1,304,943	995,190
5	FY 2024	1,317,992	1,005,142
6	FY 2025	1,331,172	1,015,193
7	FY 2026	1,344,484	1,025,345
8	FY 2027	1,357,929	1,035,599
9	FY 2028	1,371,508	1,045,955
10	FY 2029	1,385,223	1,056,414
11	FY 2030	1,399,076	1,066,978
12	FY 2031	1,413,066	1,077,648
13	FY 2032	1,427,197	1,088,425

Water and sewer capacity fees for new connections will be charged on a per-meter equivalent basis as shown in Table 5, with a unit fee per unit of capacity assessed to the prospective customer. Table 3 presents the estimate of the number of existing residential water and sewer accounts, by meter size, as of FY 2021. For the analysis performed herein, water and sewer billing determinant information is based on utility system accounts and billed flow as provided by the Town. We converted the billing determinant information into residential units after applying the AWWA meter cost equivalency factors noted on **Table 5, Line 3**. The AWWA meter cost equivalency factors serve in defining a uniform aggregate of service units. Table 5, Lines 4 and 5 summarized the water and wastewater residential service units respectively.

Table 35 presents the summary of equivalent residential units (ERUs) as of FY 2021

Table 5 Water and Wastewater System Equivalent Residential Units

LINE NO.	UTILITY SYSTEM	METER SIZE									
	Accounts:	5/8"	1.0"	1.5"	2.0"	3.0"	4.0"	6.0"	8.0"	10.0"	Total
1	Water	10,614	200	18	256	12	8	5	2	1	11,116
2	Wastewater	9,229	133	17	218	10	6	5	0	1	9,619
3	ERU Factors	1.00	2.50	5.00	8.00	15.00	25.00	50.00	80.00	115.00	
	System ERUs:										
4	Water	10,614	333	60	1,365	128	133	167	107	140	13,047
5	Wastewater	9,229	222	57	1,163	107	100	167	0	140	11,183

4.1.4 Water and Sewer System Capacity Requirements

Water and sewer facilities are designed to accommodate average day and maximum day (and in some cases maximum hour) demand requirements, while sewer facilities need to address pollutant loading levels along with average and peak flow. These utility system conditions are critical to understanding the actual service demand requirements of the existing systems and serve as a critical component in the development of the capacity fees. Therefore, when calculating capacity fees, demand requirements should be reflected in terms of the understood maximum peaking conditions to reflect the demand requirements of the existing system.

For the Town's water system, the capacity requirements for wells, transmission mains, and other assets are based on maximum day demand requirements, as compared to distribution storage facilities which are based on maximum hour demands. In determining the capacity requirements needed to perform the analysis detailed herein, we used the water system's maximum day

permitted capacity. The Town has an interlocal agreement with Johnson County and purchases all the water sold to existing customers from Johnson County. The water system’s permitted capacity is 5.25 million gallons per day (MGD) while the actual average day flow is 3.36 MGD which aggregates to an unutilized capacity of 1.89 MGD. The average day flow of 3.36 MGD was calculated based on a review of historical water system billing information from FY 2020 through FY 2022.

The sewer system’s current capacity requirements are based on the capacity for components such as the collection and pumping systems. In determining the capacity requirement to develop a sewer capacity fee, we used the sewer average day billed flow as the basis to initiate the analysis performed herein. The Town owns the Little Creek Water Reclamation Facility which has a treatment capacity of 2.5 MGD. Additionally, the Town has interlocal agreements with the City of Raleigh and Johnston County to pump untreated wastewater of 1.75 MGD and 1.44 MGD respectively. The total sewer treatment capacity available to the Town is 5.69 MGD and the actual average day flows are 2.70 MGD which assumes an unutilized capacity of 2.99 MGD. The average day flow of 2.70 MGD was calculated based on a review of historical wastewater system billing information from FY 2021 through FY 2022.

Table 6 illustrates the utilization of the current water and sewer system capacity at the end of FY 2022

Table 6 Water and Sewer System Existing Capacity Utilization (FY 2022)

LINE NO.	DESCRIPTION	TOTAL CAPACITY (MGD)	UTILIZED CAPACITY (MGD)	UNUTILIZED CAPACITY (MGD)
1	Water System	5.25	3.36	1.89
2	Sewer System	5.69	2.70	2.99

Black & Veatch utilized the Town’s consumption records and number of residential accounts to calculate the average residential water daily flow-per-account of 138 gallons per day. As per the Town’s flow records, the maximum day to average day factor of 2.50 was utilized for the system to detail the understood peaking conditions for the typical residential customer. Based on the 2.50 factor, the maximum day-per-service unit requirement is calculated to be 350 gallons per day for water use. The calculated water capacity standard of 350 gallons per day service serves as the typical water service requirement for one residential unit connected to the Town’s current water system.

Table 7 illustrates the water capacity standard that is calculated and utilized herein.

Table 7 Water Capacity Standard (FY 2022)

LINE NO.	DESCRIPTION	FLOW	ACCOUNTS
	Customer Class (MGD)		
1	Residential	1.35	9,823
2	Commercial	0.37	689
3	Industrial	1.48	15
4	Institutional	0.00	
5	Irrigation	0.17	1,027
6	Total	3.36	11,554
7	Total Residential Accounts		9,823
8	Residential Daily Flow (Gallons per Day) (((Line 1 * 365 * 1,000)/Line 1 Accounts)/365)	138	
	Capacity Standard:		
9	Average Day Standard (Gallons per Day) (Line 8)	138	
10	Maximum Day Factor	2.50	
11	Maximum Day Standard (Gallons) (Line 10 X Line 9)	350	

Black & Veatch utilized the Town's consumption records and number of residential accounts to calculate the average sewer daily flow-per-account of 144 gallons per day. Wastewater flowing to the plant not only includes contributed sewer flow, but these flows also include inflow and infiltration (I&I) which is recognized in determining the wastewater system capacity standard. The WEF Manual of Practice No. 27 (WEF Manual) provides example guidelines for the allocation of I&I to existing customers. Per the WEF Manual guidelines, we are allocating the provision of I&I as follows:

- 66% based on number of customers (accounts) – allocated based on the proportion of customers in each customer class; and
- 33% based on amount of flow – allocated based on the proportion of billed water usage in each customer class.

Table 8 illustrates the wastewater capacity standard that is calculated and utilized herein.

Table 8 Wastewater Capacity Standard

LINE NO.	DESCRIPTION	FLOWS	ACCOUNTS
	Customer Class (MGD)		
1	Residential	1.38	9,548
2	Commercial	0.38	658
3	Industrial	0.94	15
4	Institutional	0.00	
5	High Strength Surcharge	0.00	
6	Total	2.70	
7	Total Residential Accounts		10,221
8	Residential Daily Flow (Gallons per Day) (((Line 1 * 365 * 1,000)/Line 1 Accounts)/365)	144	
9	Plant Flow (Max Month/Avg. Day) (MGD)	3.91	
10	Inflow & Infiltration Related Flow (MGD) (Line 10 – Line 6)	1.21	
	I&I Assignment:		
11	Customer - 66.6% (MGD) (Line 11 * 66.6%)	0.80	
12	Flow – 33.3% (MGD) (Line 11 * 33.3%)	0.41	
	Residential I&I Assignment:		
13	Customer (MGD) ((Line 1 / Line 6) * Line 12)	0.75	
14	Flow (MGD) ((Line 1 / Line 6) * Line 12)	0.21	
15	Total Residential I&I Assignment	0.96	
16	I&I Related Flow (Gallons per Day) (((Line 15 * 365 * 1,000)/Line 1 Accounts)/365)	100	
	Capacity Standard:		
17	Wastewater Flow Standard (Gallons per Day) (Line 8 + Line 16)	244	
18	Maximum Day Design Factor	1.10	
19	Maximum Day Standard (Gallons per Day) (Line * Line 18)	260	

4.2 EXISTING UTILITY SYSTEM INVESTMENT

4.2.1 The Determination of Utility System Investment

As previously outlined, Black & Veatch utilized the Combined System Approach to perform the capacity fee analysis detailed herein upon completing a detailed review of the Town’s current water and sewer services demand and supply requirements. As described by the Town, the current water and sewer system assets maintain unutilized system capacity, in part, to accommodate future growth anticipated for utility system build-out. To facilitate the construction of these and additional facilities to serve growth, the Town has financed major capital construction projects through a combination of revenue bonds, state revolving fund (SRF) loans, developer contributions, and fund reserves.

Future connections to the utility systems have not paid for the Town’s past system investment. Therefore, existing customers and fund revenues have borne the initial cost of existing facilities, including the excess capacity available in the system that can, in turn, serve future connections. Due to this circumstance, new connections are obligated to bear their fair share of the prior carrying cost by paying a fee commensurate with this existing investment along with the new customer’s calculated share of future investments. This principle and focus embody the Combined Systems Approach whereby the historical investment and anticipated future investment are utilized to calculate the capacity fees utilized herein.

The Black & Veatch team reviewed the existing investment in the water and wastewater system to determine the original investment and the replacement value of the system. Additionally, Black & Veatch worked with Town staff to understand and appropriately list the investment in existing assets that is applicable for consideration in the development of the water and sewer system MACF. To avoid double-counting and incorrectly recovering costs that were not paid by the utility in the first place, we deduct such items as past investments in the existing facilities attributable to developer contributions, grant funding, and any other funding source not borne by existing customers through existing water and wastewater user rates and charges from the calculated unit cost of capacity for the water and wastewater systems.

4.2.2 Water and Sewer System Existing Assets and Valuation Approaches

Various methods can be employed to estimate the value of utility facilities required to furnish service to new customers. The two principal methods commonly used to value a utility’s properties are Cost and Replacement cost, with or without considerations for depreciation.

4.2.2.1 Replacement Cost

Changes in the value of the dollar over time, at least as considered by the impact of inflation, can be recognized by replacement cost (RC) asset valuation. The replacement cost represents the cost of replacing the existing utility facilities with new facilities at current value. Unlike the original cost approach, the replacement cost method recognizes price level changes that may have occurred since plant construction.

The most reliable replacement cost valuation would involve a physical inventory and appraisal of plant components in terms of their replacement costs at the time of valuation. However, with original cost records available, a reasonable approximation of replacement cost plant value can be

ascertained by trending the original historical cost. This approach employs the use of applicable cost indices to express actual capital costs experienced by the utility in terms of current dollars. An advantage of the replacement cost approach is that it considers changes in the value of money over time. In this analysis, Black & Veatch used the annual Handy Whitman Index for Public Utility Construction Costs (Water Utility) for the South Atlantic geographic region for each year from the early 20th century to 2021 to calculate a factor to escalate the original cost figures to estimate current replacement values for each asset.

4.2.2.2 Depreciation

Considerations of the current value of utility facilities may also be materially affected by the effects of age and depreciation. Depreciation considers the anticipated losses in plant value caused by wear and tear, decay, inadequacy, and obsolescence. Utilities can also use the valuation measure expressed on a Replacement Cost Less Depreciation (RCLD) basis, which provides recognition of the effects of depreciation on assets. This measure is identical to the above valuation method, with the exception that accumulated depreciation is computed for each asset account based upon its age or condition and deducted from the respective total original cost or replacement cost to determine the RCLD measure of plant value.

4.2.2.3 RCLD Method for the Capacity Fees Analysis

The first step is to identify a proper basis for determining existing water and sewer system asset values. To perform this analysis, the Town provided its water and sewer system fixed asset records, which Black & Veatch then analyzed. These records contain detailed listings of each system asset in use, including asset category, asset name, system function, the initial date of service, original cost, and annual and accumulated depreciation. Upon review of the Town’s fixed asset register, many of the Town’s existing assets are significantly depreciated, so continuous replacement and updates will be required over the next 10 to 20 years. Consequently, it is unlikely that the existing assets will be able to serve all future growth needs during the study period. The RCLD approach will provide the utility with a return on the money used to build the existing facilities for future customers. This return is often accounted for by the increase in the replacement cost value of the facilities.

Black & Veatch classified the assets and associated original costs of the existing plant into standard functional categories. The functionally classified assets were utilized to determine the book value of the water and sewer systems. In addition, existing customers must carry the additional cost of capacity. Therefore, a part of this investment plus a carrying charge applies to new customers. The capacity must exist for new customers in advance of need.

For analyzing the Town’s capacity fees, Black & Veatch only included the “backbone” assets in determining the current value of the existing plant on an RCLD value basis. Backbone assets are those that provide service to all customers. Thus, we excluded specific asset classifications from the valuation, such as maintenance and service assets and general plant assets.

The RCLD provides a basis to understand the cost to reproduce or reconstruct any improvements of existing depreciated facilities based on current designs and materials. The original cost of water and wastewater asset and the associated accumulated depreciation were utilized as the basis to develop the current value of the utility systems. The Handy Whitman Index factors were applied to

the water and wastewater system asset's original cost to determine the current value. The current value of the backbone assets as applicable to the calculation of the capacity fee is shown in **Table 8**.

The Town intends to retire the existing Little Creek Water Reclamation Facility by the end of FY 2023. In aggregate, the Town plans to retire 2.50 MGD and replace it with a new 6.00 MGD Wastewater Treatment Plant. Upon completing the retirement of the Little Creek Water Reclamation Facility, the Town's aggregate sewer system capacity will be 9.19 MGD. The 9.19 MGD include 6.0 MGD from the new Wastewater Treatment Plant and 1.75 MGD and 1.44 MGD of purchase wastewater treatment services from the Town of Raleigh and Johnston County, respectively. Due to the retirement of existing sewer system capacity, the RCLD of the existing wastewater treatment, and disposal facilities should not be included in the capacity fee. As such, Black & Veatch has deducted the value of the existing wastewater treatment and disposal facilities as detailed in **Table 9, Line 7**.

Table 9 Replacement Cost less Depreciation

LINE NO.	DESCRIPTION	ORIGINAL ASSET COST	ACCUMULATED DEPRECIATION	ORIGINAL COST LESS DEPRECIATION	REPLACEMENT COST LESS DEPRECIATION
Water System Assets:					
1	Water Trans. & Distribution	\$5,198,006	\$2,114,114	\$3,083,892	\$5,789,666
2	Water Meters	5,653,362	4,417	5,648,945	5,798,539
3	Total Water System Assets	\$10,851,369	\$2,118,531	\$8,732,837	\$11,588,206
Wastewater System Assets:					
4	Wastewater Collection	\$19,009,104	\$4,444,048	\$14,565,056	\$21,506,931
5	Wastewater Pumping System	9,706,993	710,491	8,886,502	11,337,514
6	Wastewater Treatment & Disposal	54,734,668	7,907,564	46,827,104	62,168,336
7	Subtotal Wastewater System Assets	\$83,450,765	\$13,062,103	\$70,388,662	\$95,012,781
8	Total Capacity Fee Related System Assets	\$94,302,134	\$15,180,634	\$79,121,499	\$106,600,987

4.2.2.4 Contributed and Grant-Funded Assets

The Town's staff provided information about the current assets that were fully or partially paid for by developers, grants, and sources other than existing water and wastewater rates and charges. The value of these "contributed assets" and "grant funded assets" is not included in the capacity fee calculation. Additionally, Black & Veatch calculated the acceptable level of the revenue credit as detailed in HB 436. At no time should the sum of the grant funded assets or developer contributed assets, to be utilized in the calculation of the MACF, be less than 25.0% of the water and sewer system CIP. As such, the greater total of the sum of contributed assets and grant funded assets or

the revenue credit, as outlined by HB 436, must be utilized in the calculation of the MACF. **Table 10** below provides a summary of contributed assets, grant-funded assets, and the revenue credit.

Table 10 Summary of Contributed Assets, Grant-Funded Assets, and the Revenue Credit

LINE NO.	DESCRIPTION	CONTRIBUTED ASSETS	GRANT FUNDED ASSETS	REVENUE CREDIT
1	Water Treatment		\$1,048,328	
2	Water Dist. & Transmission	\$3,712,489	1,795,754	
3	Meters	93,350		
4	Subtotal Water System Assets	\$3,805,839	\$2,844,082	
5	Sewer Collection	\$2,169,819	\$270,423	
6	Wastewater Pumping System	4,876,288	144,156	
7	Sewer Treatment & Disposal		145,255	
8	Sewer Buildings			
9	Subtotal Sewer System Assets	\$7,046,107	\$559,835	
10	Total System Assets	\$10,851,946	\$3,403,917	
	Utility System Revenue Credit			
11	Water System (25% of CIP)			\$58,711,082
12	Wastewater System (25% of CIP)			\$69,748,106
13	Total Utility System Credit			\$128,459,188

4.2.3 Capacity Related Capital Improvement Projects

Black & Veatch used the Capital Improvements Projects (CIP) presented in **Table 11** in the analysis provided herein to obtain information on the upgrade and expansion-related capital projects. The Town's CIP provides a plan to implement water and wastewater capital improvements over the 10-year (2023-2032) planning horizon. Additional water and sewer facilities are needed to accommodate new customer growth, and the Town has plans to add 5.00 MGD of water treatment capacity in addition to the existing 5.25 MGD. The Town is proposing the construction of a new 5.0 MGD Water Facility which will come online before the end of FY 2028. Through FY 2028, the Town intends to purchase 6.99 MGD of water treatment capacity and will retire 5.0 MGD of the purchased capacity when the 5.0 MGD Water Facility comes online in FY 2032.

Additionally, the Town is proposing an additional 6.0 MGD of new capacity for new wastewater system treatment. The Town plans to construct a new 6.0 MGD Wastewater Treatment Plant

(WWTP) which is anticipated to come online in FY 2025. After startup of the new WWTP, the Town will retire its existing 2.5 MGD Little Creek Water Reclamation Facility.

An analysis of the water and wastewater capital improvement plans determined that certain projects and portions of projects are required to serve new connections. Where specific system improvements will benefit existing customers and expand capacity for new connections, we determine the growth share of the capital cost through engineering analysis of the specific improvement. For this component of the analysis, we exclude projects or portions of projects that only benefit existing connections.

Table 11 summarizes the capital costs related to providing water and wastewater service at the existing levels of service to new customers. The capital costs presented in **Table 11** represent a ten-year forecast period from FY 2023 to FY 2032. Construction Work in Progress (CWIP) projects are included in these costs, as these assets are still under construction and have not yet been placed in-service. The CIP was categorized by utility function in the same manner as the categorization of the Town's water and wastewater system assets.

Table 11 Capital Improvements Projects

LINE NO.	DESCRIPTION	CAPACITY FEE RELATED CIP PROJECTS
	Water System CIP:	
1	Water Treatment	\$201,050,000
2	Water Transmission	2,306,250
3	Water Distribution Mains	13,910,000
4	Meters	1,000,000
5	Water Pumping	3,600,000
6	Water Share Buildings	8,201,150
7	Water Share Vehicles	282,699
8	Water Share Admin and General	4,494,230
9	Subtotal Water CIP	\$234,844,329
	Wastewater System CIP:	
10	Wastewater Collection	\$5,685,000
11	Wastewater Pumping System	23,442,649
12	Wastewater Treatment & Disposal	239,105,793
13	Wastewater Share Buildings	6,798,850
14	Wastewater Share Vehicles	234,361
15	Wastewater Share Admin and General	3,725,770
16	Subtotal Wastewater CIP	\$278,992,422
17	Total System CIP	\$513,836,752

4.2.4 Utility System Credits

Capacity fees for new connections to the Town's water and sewer systems should not include facilities that are financed by debt through user rates. The existing utility rates service existing debt and other utility system obligations, so new connections will pay their share of servicing existing obligations through existing water and wastewater user rates and charges. Therefore, the capacity fee analysis considers a debt service credit to avoid the potential for double payment. Additionally, we do not consider developer contributions and grant-funded projects in the calculation of the MACF, but consider a revenue credit for inclusion in the calculation of the MACF. In addition, credits are developed as a part of the analysis detailed herein to prevent the double payment on water and sewer system assets.

Finally, HB 436 requires that any credit that is calculated and applied in aggregate shall be equal to or greater than 25.0% of the aggregate water and sewer system CIP revenue credit. As such, Black & Veatch assessed the aforementioned revenue credit to the water and sewer system respectively. For the MACF calculation detailed herein, the total water and sewer system credits of \$58,711,082 and \$69,748,106 respectively.

4.3 WATER AND SEWER CAPACITY FEES CALCULATION

4.3.1 Calculation of Water System Capacity Fee

There are specific steps required in the process of calculating the water system capacity fees. Identifying the total capacity fee recoverable costs is essential to recovering the total growth-related investment that has been furnished and will be furnished by the Town. Capacity Fee recoverable cost consists of two components:

- The current value of the backbone water system assets at \$11,596,310; and
- The growth-related water system CIP over the 10-year forecast period at \$234,844,329.

The capacity of the water system consists of the capacity of the existing system available for new customers and the proposed capacity addition to service additional growth. When the capacity available to new customers is determined, the associated capacity fee recoverable cost is divided by this capacity to determine a capacity fee recoverable cost per unit of capacity. A system-wide credit is determined to reduce the potential of double payment by customers related to debt-financed improvements, developer contributions, and grant-funded projects. To determine the calculated MACF, the Capacity Fee recoverable cost per unit of the capacity is multiplied by the water maximum day capacity standard and the applicable equivalent service unit(s) to determine the calculated Capacity Fee. After that a carrying cost adjustment of 3.50% over three years is applied to the aggregate Capacity Fee calculation to determine the MACF. As shown in **Table 12**, the calculated water system MACF is **\$5,983.00**.

Table 12 Water System Capacity Fee Calculation

LINE	DESCRIPTION	AMOUNT (\$)
	Water System Assets:	
1	Water System Assets - Existing Customers	\$7,431,329
2	Water System Assets - Future Customers	4,164,981
3	Current Value of Connection Fee Related Water System	\$11,596,310
	Capital Improvement Projects:	
4	Applicable to Existing Customers	\$66,737,254
5	Applicable to New Customers	146,107,075
6	Expansion Related Projects	22,000,000
7	Total Capital Improvement Projects	\$234,844,329
8	Revenue Credit	\$(58,711,082)
	Existing Capacity (gallons per day):	
9	Utilized	3,364,387
10	Unutilized	1,885,613
11	Total Existing Treatment Capacity	5,250,000
12	Proposed Treatment Capacity	5,480,000
13	Investment for New Customer (Line 2+ Line 5+ Line 6 + Line 8)	\$113,560,974
14	Capacity Available to New Customers (Line 10+Line 12)	7,365,613
15	Gross Connection Fee Unit Cost (Line 13 / Line 14)	\$15.42
16	Maximum Day Standard	350
17	Equivalent Standard	1.00
18	Calculated Capacity Fee (Line 15 x Line 16 x Line 17)	\$5,396
19	Carrying Cost Adjustment Factor (3 years)	3.50%
20	Maximum Allowable Water Capacity Fee	\$5,983.00

4.3.2 Calculation of Sewer System (Sewer) Capacity Fee

There are specific steps required in the calculation of wastewater system capacity fees. Identifying the total capacity fee recoverable costs is essential to recovering the total growth-related investment that has been furnished and will be furnished by the Town. Impact fee recoverable cost consists of two components:

- The current value of the backbone sewer system assets at \$95,012,781; and
- The growth-related sewer system CIP over the 10-year forecast period at \$279,992,422.

The capacity of the sewer system relates to the existing sewer treatment capacity. The total capacity fee recoverable cost is divided by the total treatment capacity to determine a Capacity Fee recoverable cost per unit of capacity. A system-wide credit per unit of utilized capacity is determined to reduce the potential of double payment by customers related to debt-financed improvements, developer contributions, and grant funding projects. To determine the calculated capacity fee, the recoverable cost per unit of the capacity is multiplied by the sewer maximum day capacity standard and the applicable equivalent service unit(s) to determine the calculated capacity fee. After that, a carrying cost adjustment of 3.5% over three years is applied to determine the aggregate Capacity Fee. As shown in **Table 13**, the calculated maximum allowable wastewater system capacity fee is **\$7,037.00**.

Table 13 Sewer System Capacity Fee Calculation

LINE	DESCRIPTION	AMOUNT (\$)
	Wastewater System Assets:	
1	Wastewater System Assets - Existing Customers	\$45,077,694
2	Wastewater System Assets - Future Customers	49,935,087
3	Current Value of Connection Fee Related Water System Assets	\$95,012,781
	Capital Improvement Projects:	
4	Applicable to Existing Customers	\$100,738,488
5	Applicable to New Customers	176,897,934
6	Expansion Related Projects	1,356,000
7	Total Capital Improvement Projects	\$278,992,422
8	Revenue Credit	\$(69,748,106)
	Existing Treatment Capacity (Gallons per day):	
9	Utilized	2,699,553
10	Unutilized	2,990,447
11	Total Existing Treatment Capacity (3.5 MGD to be retired in FY 2023)	5,690,000
12	Proposed Treatment Capacity	6000,000
13	Investment for New Customer (Line 2 + Line 5 + Line 6 + Line 8)	\$158,440,915
14	Capacity Available to New Customers (System Capacity: 7.3 MGD - Line 9)	6,490,447
15	Capacity Fee Unit Cost (Line 13 / Line 14)	\$24.41
16	Maximum Day Standard	260
17	Equivalent Standard	1.00
18	Calculated Connection Fee (Line 15 x Line 16 x Line 17)	\$6,835
19	Carrying Cost Adjustment Factor (3 years)	3.50%
20	Maximum Allowable Wastewater Capacity Fee	\$7,037.00

5.0 Proposed Water and Sewer System Capacity Fees

Black & Veatch used the Combined Systems Approach to calculate the MACF for the water and sewer system. The calculated MACF calculation serve as a reasonable guide to the imposition of water and sewer system Capacity Fees that may be charged to a new customer. At the discretion of the Town, the Town may implement the proposed water and sewer system Capacity Fees at a dedicated proportion or the total calculated MACF, respectively.

Black & Veatch recommends that the Town implement the proposed water and sewer Capacity Fees at 100% of the calculated MACF per ERU. The proposed water and sewer Capacity Fees, are as follows:

Proposed Water and Sewer System Capacity Fees

- Water - \$5,983 per ERU
- Sewer - \$7,037 per ERU

The proposed water and sewer system Capacity Fees maintains the existing Town Capacity Fee structure and is guided by the understood tenets of HB 436.

Water and Sewer System Development Fees

Preliminary Results

October 02, 2023

Robert Chambers – Sales Director





Agenda

- Purpose
- Accepted Fee Development Approaches
- Town's Current Situation
- Maximum Allowable System Development Fee
- Conclusion

Purpose



Purpose

Provide an overview of the methodology, basis, and findings associated with the calculation of the Maximum Allowable Water and Sewer System Development Fee.



Purpose

“Development Impact Fee” or “Impact Fee”:

“A charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs....”

Note:

1. As defined in the General Assembly of North Carolina, Session Law 2017-138, House Bill 436, for the determination and assessment of a “System Development Fees” or “Impact Fees”.

“Rational Nexus”:

“... A fundamental principle that establishes a relationship between the nature of the service required and the cost to provide the service....”

Accepted Fee Development Approaches



Accepted Fee Development Approaches

Buy-In Approach

New customer connecting to the system should pay an amount per connection equal to the equity in the utility system attributable to existing customers.

Incremental Cost Approach

New customers must pay their embedded share of expansion cost per connection.

Combined Systems Approach

New customers must pay the cost of their proportionate share of existing capacity and new capacity available to serve new growth.

Town's Current Situation





Town's Current Situation

- Update Existing Water and Sewer System Development Fee Calculation
- Utilize the guidance of the General Assembly of North Carolina, House Bill 436
- Capital Improvement Plan (CIP)
 - New Water and Sewer System Capacity and associated facilities
 - Increase in CIP Project Cost

Sustained Customer Growth and Increased Customer Flow Requirements

- Objective:
Maintain Water and Sewer System Development Fees that are commensurate to service requirements (Rational Nexus)

System Capacity

- Maintain existing Water and Sewer System Capacity for “New Customer”

Line	Description	Total (mgd)	Utilized (mgd)	Unutilized (mgd)
1	Water System Capacity	5.25	3.36	1.89
2	Sewer System Capacity	5.69	2.70	2.99

- Plan to add “New System Capacity”

Line	Description	Total (mgd)
1	Water System Capacity	5.48
2	Sewer System Capacity	6.00

- “Combined Systems Approach”

Line	Description	Total (mgd)	Existing Utilized (mgd)	Impact Fee Related (mgd)
1	Water System Capacity	10.73	3.36	7.37
2	Sewer System Capacity	11.69	2.70	6.49

Note:

1. Water System – combination of purchased capacity and a new water treatment plant.
2. Sewer System – construction of a new wastewater treatment plant plus the retirement of the LCWRF facility.

Combined Systems Approach

System Unit Cost:
(Existing System plus Future Planned CIP)

*

Capacity Standard

=

Maximum Allowable
Impact Fee

- **Assessment of the Existing System**
 - **Cost & Units of Service**
- **Determination of the Capital Program**
 - **Cost & Units of Service**
- **Calculation of the Capacity Standard**
 - **Equivalent Residential Unit**
- **Calculate the Maximum Allowable System Development Fee**

Maximum Allowable System Development Fee



Water System – Maximum Allowable System Development Fee

Line	Description	Fee Calculation	Current Fee
Water System Investment:			
1	Total Fee Related Cost	\$ 172,272,056	
2	Water System Credit	(58,711,082)	
3	Total Water System Investment	\$ 113,560,974	
4	Water Capacity Available for New Customers	7,365,613	
5	Gross Impact Fee Unit Cost	\$ 15.42	
Applicable Equivalent Capacity Standard (Gallons)			
6	Max Day Standard	350	
7	Residential Equivalent Unit	1.00	
8	Calculated Impact Fee (Per Residential Unit)	\$ 5,396.20	
9	Carrying Cost Adjustment (3 years)	3.5%	
10	Maximum Allowable Impact Fee (Per Residential Unit)	\$ 5,983.00	\$ 2,690.00 ← Current Fee

Sewer System – Maximum Allowable System Development Fee

Line	Description	Fee Calculation	Current Fee
Sewer System Investment:			
1	Total Fee Related Cost	\$ 228,189,021	
2	Water System Credit	(69,748,106)	
3	Total Sewer System Investment	\$ 158,440,915	
4	Sewer Capacity Available for New Customers	6,490,447	
5	Gross Impact Fee Unit Cost	\$ 24.41	
Applicable Equivalent Capacity Standard (Gallons)			
6	Peak Wet Weather Standard	260	
7	Residential Equivalent Unit	1.00	
8	Calculated Impact Fee (Per Residential Unit)	\$ 6,346.97	
9	Carrying Cost Adjustment (3 years)	3.5%	
10	Maximum Allowable Impact Fee (Per Residential Unit)	\$ 7,037.00	\$ 4,890.00 ← Current Fee

Conclusion





Conclusion

- Consider the Implementation of the Maximum Allowable:
 - Water = \$5,983 per Residential Unit
 - Unit Cost - \$15.42 gpd
 - Sewer = \$7,037 per Residential Unit
 - Unit Cost - \$24.41 gpd

Line	Meter Size	Meter Equivalency	Water System	Sewer System	Total System
			\$	\$	\$
1	5/8 Inch	1.00	5,983	7,037	13,020
2	3/4 Inch	1.50	8,975	10,556	19,531
3	1.0 Inch	2.50	14,958	17,593	32,551
4	1.5 Inch	5.00	29,915	35,185	65,100
5	2.0 Inch	8.00	47,864	56,296	104,160

- Perform the necessary internal due diligence and legal reviews
- Perform a review of the Impact Fee every 3 years

Implementation Plan



- Tentative adoption on December 4, 2023
- Consider phasing to maximum
- Increase cost per base equivalency factor with each budget year
- First increase January 1, 2024
- Recommend adopting a per gallon rate increases and capacity purchases (similar phased increase).

Line	Implementation	Water System	Sewer System	Total System
		\$	\$	\$
1	Existing	2,690	4,890	7,580
2	Jan. 2024	2,839	5,161	8,000
3	Jul. 2024	3,265	5,935	9,200
4	Jul. 2025	3,691	6,709	10,400
5	Jul. 2026	4,117	7,483	11,600
6	Jul. 2027	4,542	8,258	12,800
7	Jul. 2028	4,613	8,387	13,000

* Based on 5/8" residential meter for water and wastewater service

** A meter equivalency factor will be applied to meters greater than a 5/8" meter up to a 2.0" meters

*** Meters greater than 2.0" will be negotiated by the Town

Thank You

Contact Us

Robert Chambers
ChambersR@bv.com

Comments

- Communication and website updates by Wednesday
- Comments to be sent to:

2023SDFSTUDY@townofclaytonnc.org



AN ORDINANCE TO ADOPT A FINAL SYSTEM DEVELOPMENT FEE SCHEDULE FOR THE TOWN OF CLAYTON, NORTH CAROLINA

WHEREAS, the North Carolina legislature enacted Session Law 2017-138, An Act to Provide for Uniform Authority to Implement System Development Fees for Public Water and Sewer Systems in North Carolina and to Clarify the Applicable Statute of Limitations (the “Act”); and

WHEREAS, the Act required that a system development fee be calculated based on a written analysis; and

WHEREAS, the Town of Clayton hired Black & Veatch to prepare the written analysis in accordance with the Act; and

WHEREAS, the Town of Clayton posted the written analysis on its website and solicited public written comments for not less than 45 days; and

WHEREAS, on January 2nd, 2034, after the expiration of the 45 day public comment period, the Town Council held a public hearing regarding the written analysis; and

WHEREAS, Black & Veatch considered all comments in finalizing the written analysis; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Clayton, North Carolina that:

Section 1. The system development fee analysis of Black & Veatch is adopted.

Section 2. Based on the written analysis from Black & Veatch, comments received during the applicable notice period, and comments received at the Public Hearing, the following system impact development fee schedule is adopted:

Meter Size	Meter Equivalency	Water System	Sewer System	Total System
5/8 inch	1.00	\$ 2,839	\$ 5,161	\$ 8,000
3/4 inch	1.50	\$ 4,259	\$ 7,741	\$ 12,000
1.0 inch	2.50	\$ 7,098	\$ 12,902	\$ 20,000
1.5 inch	5.00	\$ 14,195	\$ 25,805	\$ 40,000
2.0 inch	8.00	\$ 22,712	\$ 41,288	\$ 64,000

** Meters greater than 2.0" subject to a developer's agreement and rate of \$7.05 GPD for water and \$17.70 GPD for sewer

Section 3. This ordinance shall become effective January 3rd, 2024 and shall be published in the Town's comprehensive fee schedule.

Section 4. The approved phased increase schedule shall be implemented with each fiscal year.

Duly adopted by the Clayton Town Council this 2nd day of January 2024, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi Holland, CMC, NCCMC
Town Clerk



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

January 2, 2024

Agenda Location

PUBLIC HEARINGS

Item Title

2023-161-ANX LAWSON GLEN ANNEXATION

Presenter(s)

Bruce Venable, Planner 1

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)

☒ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☐ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Other/Special Instructions: Public Notice Sign Posted on Site

Summary

Public Hearing Project 2023-161-ANX Lawson Glen. The applicant is petitioning for the annexation of 27.300 acres of real land. This parcel is the site of the previously approved Lawson Glen Subdivision.

Recommendation

Town Staff recommends approval of this annexation request.

Funding Source

N/A

Corresponding Documentation

[TC 2023-161-ANX Staff Report Lawson Glen](#)

[2 Annexation Application 2023-161-ANX Lawson Glen](#)

[3 Annexation Plat 2023-161-ANX Lawson Glen](#)

[4 Legal Description 2023-161-ANX Lawson Glen](#)

[5 Ordinance 2023-161-ANX Lawson Glen Contiguous](#)

[2023-161-ANX Lawson Glen - Resolution](#)

Submitted By: Bruce Venable, Planning

Reviewed By:

Conrad Olmedo, Planning Director

Approved - Dec 28 2023

Rich Cappola, Town Manager

Approved - Dec 28 2023

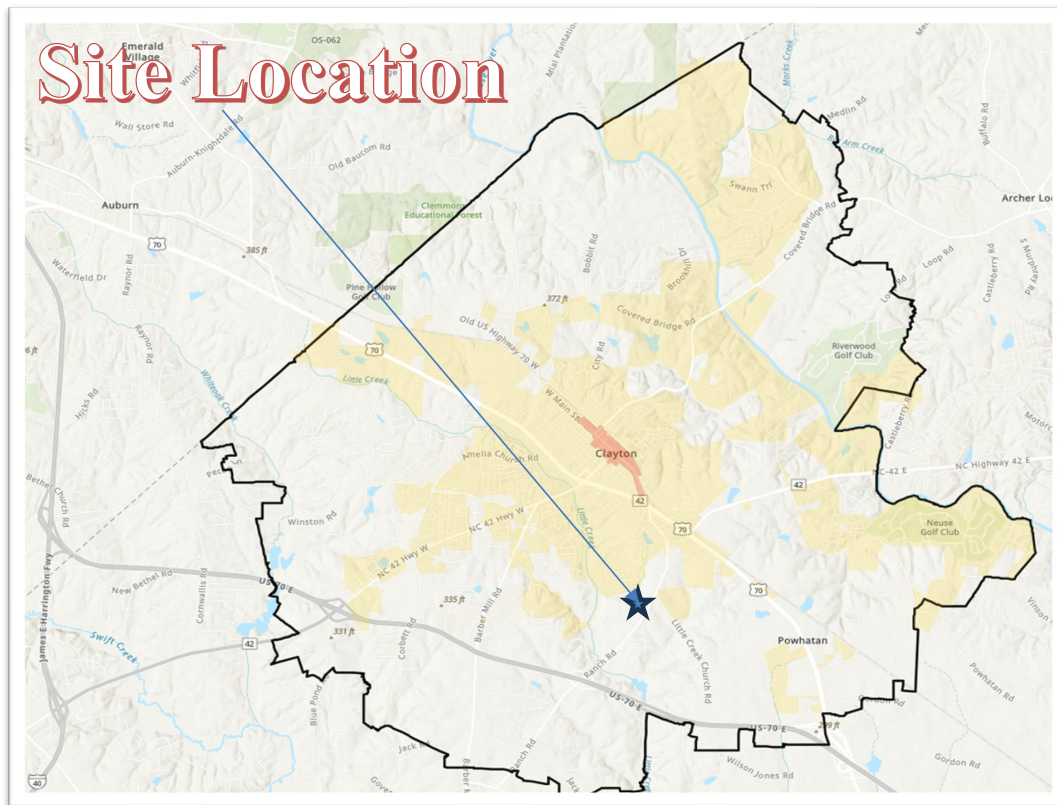
Heidi Holland, Town Clerk

Approved - Dec 28 2023



LAWSON GLEN ANNEXATION

Project #:	2023-161-ANX	Location:	Parcel is located along Little Creek Church Road and Ranch Road.
Applicant:	D.R. Horton, Inc	Project Type:	ANNEXATION
Property Owner:	D.R. Horton, Inc	Proposed Use:	Residential
Staff Planner:	Bruce Venable, Planner I	TAG #(s):	05H04031D



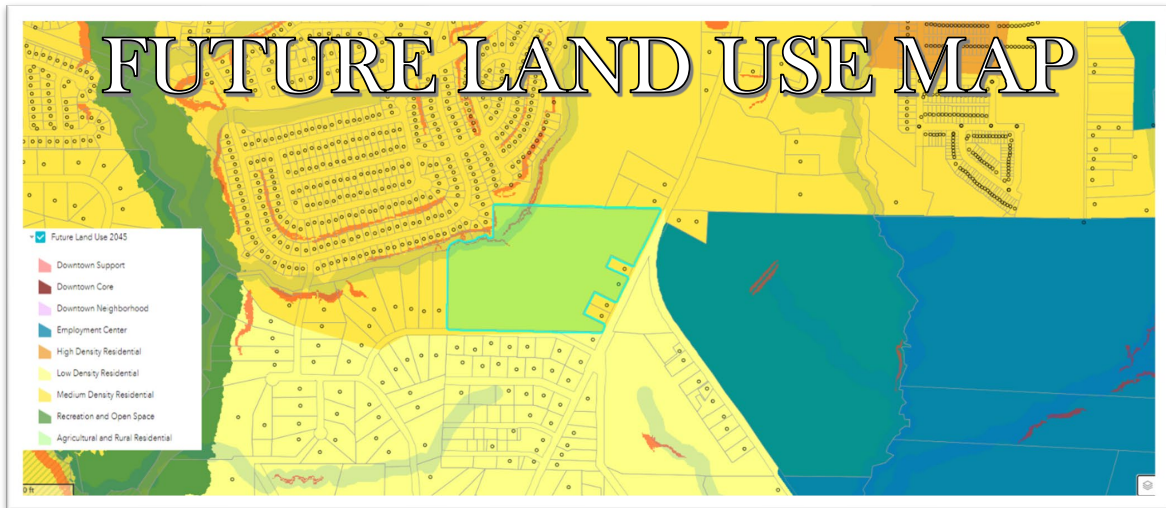
PROJECT SUMMARY

The site is located off Little Creek Church Road and Ranch Road and is within Clayton's ETJ. The applicant has petitioned the Town to be annexed into the corporate limits of the Town of Clayton. Annexation into the Town is required to obtain Town utilities.

The property is located within the Claytex Fire District.

SITE DATA:

Acreage: +/- 27.300 acres
Existing Use: Single-Family Detached





ATTACHMENTS:

- 1) Staff Report
- 2) Petition for Annexation
- 3) Legal Description of Metes and Bounds
- 4) Annexation Plat
- 5) Annexation Ordinance



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Application Review Fee: \$300

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant. There is an initial 15 business day review cycle with 3 Council hearing meetings. Expect an estimated minimum of 2-3 months for review/approval.

Annexation Plat and Legal Description (Metes & Bounds) Submission: The plat and a legal description (metes and bounds) must be submitted with the application and review fee.

Is the proposed land for annexation located outside the Claytex Fire District? ____ Yes ☒ No

**If the proposed land for annexation is located outside of the Claytex Fire District, the Fire District in which the land is located must be notified by the Town, and a payment from the applicant to the Town covering the proportional share of Fire District Debt of the land (as determined by the Fire District) will be required to be made. This process will increase the timeline for approval of these annexations.*

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved. These first two actions generally occur during the Consent Agenda item on 2 consecutive Town Council meetings.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton. The Public Hearing is generally held during the 3rd Council meeting, following approval of the Certificated Sufficiency and Resolution setting the Public Hearing date.

Recordation: If the annexation is approved by the Town Council, the applicant is required to submit one (1) Mylar annexation plat to the Planning Department for signature. The Annexation Plat shall be recorded at the appropriate county Register of Deeds.

Name of Project: Lawson Glen Date: 10.05.2023
Applicant Name: D.R. Horton, Inc. Phone: 919-971-2126 Email: aboakley@drhorton.com

Petition for Voluntary Annexation Application

1. Application Type: ☐ Individual ☒ Corporation ☐ LLC ☐ Partnership
2. The proposed annexation will be: ☒ Contiguous Annexation ☐ Non-Contiguous Annexation

Property Information

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign the petition.

2. The area to be annexed is ☒ contiguous, ☐ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total Acreage to be annexed: 27.3 Existing Housing Units: 0

Population of acreage to be annexed: 0 Fire District: Claytex Fire District

Existing Zoning District*: R-8 Proposed Town Zoning District*: R-8

County Recorded Plat Book and Page #: DB 6240 PG 814 - Johnston County

Reason for petitioner to annex: ☒ Receive Town Services ☐ Other (please specify): _____

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in the termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate on the following page, and attach proof.)

FOR OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ Petition Number: _____

This page must be notarized prior to submitting to the Town for review

Complete ONLY if applying for an individual annexation and if property is owned by individual (s):

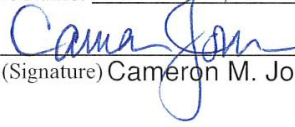
_____	_____
Please Print	Signature
_____	_____
Please Print	Signature

Complete ONLY if applying for a Corporation Annexation:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its secretary by order of its Board of Directors, this 6th day of November, 20 23.

SEAL

Corporate Name: D.R. Horton, Inc.

By: 
(Signature) Cameron M. Jones

Attest: _____
Secretary (Signature)

Complete ONLY if applying for a Limited Liability Company Annexation:

In witness whereof, _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20 ____.

Name of Limited Liability Company: _____

By: _____
Signature of Member/Manager

Complete ONLY if applying for a Partnership Annexation:

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20 ____.

Name of Partnership: _____

By: _____
Signature of General Partner

By: _____

By: _____
Signature of General Partner

By: _____

STATE OF NORTH CAROLINA
COUNTY OF ~~JOHNSTON~~ WAKE

Sworn and subscribed before me, Anne B. Oakley, a Notary Public for the above State and County, this 6th day of November, 20 23.

SEAL




Notary Public

My Commission Expires: November 14, 2026

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	Leave a 2-inch by 2-inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

THE FIRM HAS REVIEWED THE INFORMATION FURNISHED BY THE CLAIMANT REGARDING THE INSURANCE COMPANY TITLE COMMITMENT 163101030936; DATED MARCH 27, 2020 AT 8:31 AM AND IN THE PRESENCE OF THE CLAIMANT AND THE FIRM'S REPRESENTATIVE. THE FIRM IS NOT RESPONSIBLE FOR ANY OTHER DESCRIPTION NOT DISCLOSED BY THE REFERENCED TITLE COMMITMENT.

2. AREAS COMPUTED BY COORDINATE METHOD

3. PROPERTY SHOWN HEREIN IS SUBJECT TO ALL RIGHTS-OWNERS' EASEMENTS AND RESTRICTIONS OF RECORD.

4. ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL, GROUND DISTANCES UNLESS OTHERWISE NOTED.

5. RIGHTS-OF-WAY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD.

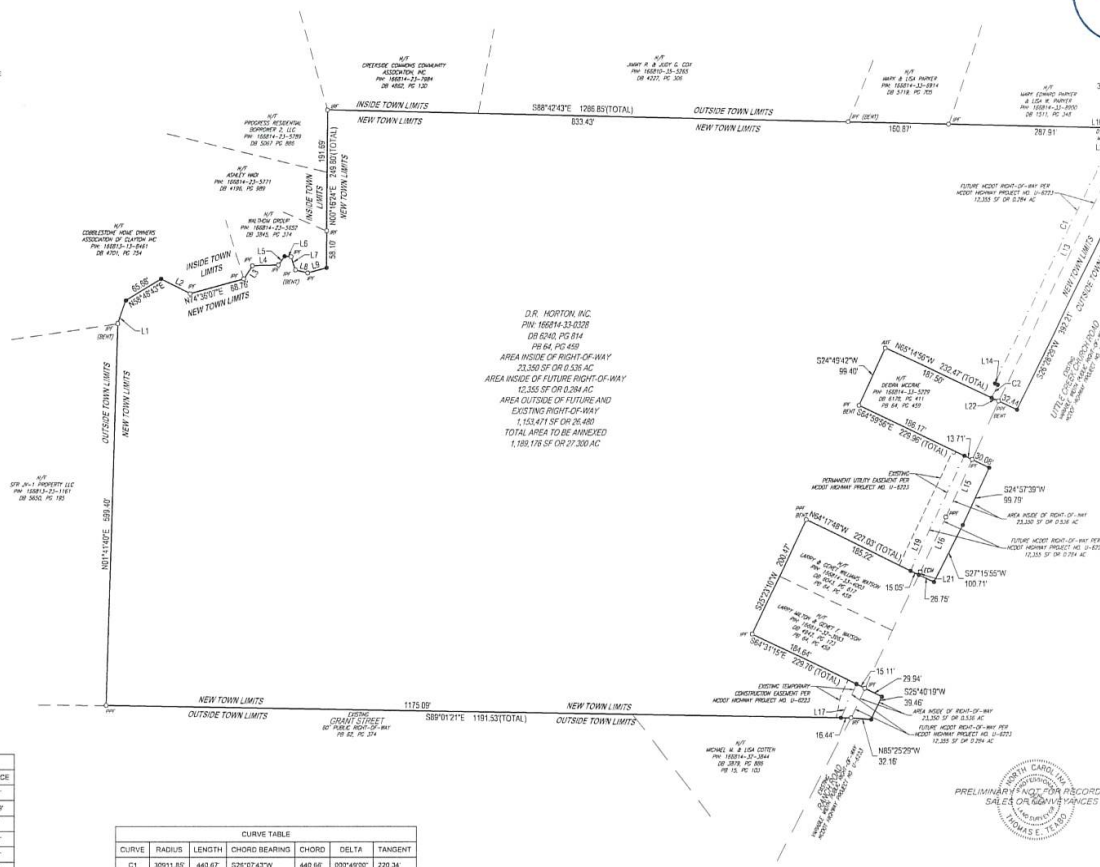
6. NO GRID COORDINATES (NAD83) OBTAINED BY USING GPS. THE FOR MOVIES WITH GRID.

7. BASIS OF BEARING SHOWN HEREIN IS NG DATUM 83 AND NG83 2011.

8. PROPERTY SHOWN HEREIN HAS LOCATED IN FLOODZONE "ZONE X" AREA OF MINIMAL FLOODING. PER FLOOD INFORMATION MAP 372614MMAH, PANEL 88 EFFECTIVE DATE JUNE 28, 2015.



☐ FCM
☐ IFF
☐ IRT
☐ PPF
☐ AXF
☐ IFS



LINE TABLE		
LINE	BEARING	DISTANCE
L12	S26° 09' 58"W	52.21'
L13	S26° 17' 29"W	462.79'
L14	S84° 17' 08"E	5.00'
L15	N24° 53' 56"E	9.09'
L16	N25° 26' 10"E	95.06'
L17	N25° 33' 08"E	57.78'
L19	N25° 33' 08"E	199.92'
L20	N83° 27' 53"W	15.01'
L21	N25° 28' 10"E	5.24'
L22	S65° 14' 56"E	12.53'

CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	30911.85'	443.67'	S26°07'43"W	440.56'	000°49'00"	220.34'
C2	30045.00'	22.60'	S25°41'34"W	22.60'	000°02'35"	11.30'

[illegible]

ANNEXATION MAP
FOR
THE TOWN OF CLAYTON
PIN: 160814-33-0320
SITE ADDRESS: 60 RANCH RD
DB 2745, PG 233
PB 64, PG 450
TOWN OF CLAYTON
CLAYTON TOWNSHIP
JANUARY 1994, COUNTY OF CLAYTON, OHIO

PKT. NO. N5201003	BOHLER		100% HAZARDOUS WASTE 100% HAZARDOUS WASTE 100% HAZARDOUS WASTE 100% HAZARDOUS WASTE	
DATE 09/25/2025	100% HAZARDOUS WASTE 100% HAZARDOUS WASTE 100% HAZARDOUS WASTE 100% HAZARDOUS WASTE			
PKT. DATE 09/25/2025	CHECK SHEET	CHRYN	REVIEWED	APPROVED
	CHRYN	ALL	TEST/IT	TEST
				SCALE
				STANDARD
				1

Date: September 25th, 2023

**Legal Description of a
26.408 Acre Area
To Be Annexed
PIN: 166814-33-0328
(DB 6240, PG 814)
Clayton, NC**

Subject property being located in Johnston County, North Carolina:

BEGINNING at an iron rebar found, said point being the westerly edge of Ranch Road and also being the northeasterly property corner of now or formerly Michael M. & Lisa Cotton (DB 3879, PG 886), thence leaving the westerly right-of-way of Ranch Road N 89° 01' 21" W 1,191.53' to a pinched pipe found;
Thence N 01° 41' 40" E 599.40' to a bent iron pipe found;
Thence N 20° 16' 46" E 37.51' to a computed point;
Thence N 58° 48' 43" E 65.68' to a computed point;
Thence S 63° 09' 25" E 52.15' to an iron pipe found;
Thence N 74° 36' 07" E 88.76' to an iron pipe found;
Thence N 33° 44' 25" E 25.34' to an iron pipe found;
Thence N 88° 50' 38" E 41.23' to an iron pipe found;
Thence N 35° 02' 18" E 17.33' to a computed point;
Thence S 85° 35' 17" E 10.48' to an iron pipe found;
Thence S 18° 26' 16" E 22.15' to a bent iron pipe found;
Thence S 76° 05' 44" E 20.12' to an iron pipe found;
Thence N 74° 28' 27" E 31.10' to a computed point;
Thence N 00° 16' 24" E 58.10' to an iron pipe found;
Thence N 00° 16' 24" E 191.69' to an iron rebar found;
Thence S 88° 42' 43" E 833.43' to a bent iron pipe found;
Thence S 88° 42' 43" E 160.87' to an iron pipe;
Thence S 88° 42' 43" E 287.91' to a computed point;
Thence S 88° 42' 43" E 4.63' to an existing concrete monument, said concrete monument being on the westerly right-of-way of Little Creek Church Road and also the southeasterly corner of now or formerly Mark Edward Parker & Lisa W. Parker's property (DB 1511, PG 348);
Thence S 89° 07' 32" E 33.39' to an iron rebar found;
Thence S 89° 07' 32" E 4.99' to a computed point, said point also being the center of Little Creek Church Road;
Thence with the center of Little Creek Church Road the following courses and distances:
S 27° 33' 18" W 49.93' to a computed point;
S 26° 09' 58" W 52.21' to a computed point;

S 26° 28' 29" W 392.21' to a computed point;
Thence leaving the center of Little Creek Church Road N 65° 14' 56" W 32.44' to a
pinched pipe found, said pipe also being on the westerly right-of-way of Little Creek
Road;
Thence leaving the right-of-way of Little Creek Road N 65° 14' 56" W 12.53' to a
computed point;
Thence N 65° 14' 56" W 187.50' to an axel found;
Thence S 24° 49' 42" W 99.40' to a bent iron pipe found;
Thence S 64° 59' 56" E 186.17' to a computed point;
Thence S 64° 59' 56" E 13.71' to an iron pipe found, said pipe also being on the westerly
right-of-way of Ranch Road;
Thence S 64° 59' 56" E 30.08' to a computed point, said point also being the center of
Ranch Road;
Thence with the center of Ranch Road the following courses and distances:
S 24° 57' 39" W 99.79' to a computed point;
S 27° 15' 55" W 100.71' to a computed point;
Thence leaving the center of Ranch Road N 64° 17' 48" W 26.75' to a computed point,
said point also being on the westerly right-of-way of Ranch Road;
Thence leaving the westerly right-of-way of Ranch road N 64° 17' 48" W 15.05' to a
computed point;
Thence N 64° 17' 48" W 185.22' to a pinched pipe found;
Thence S 25° 23' 10" W 200.47' to an iron pipe found;
Thence S 64° 31' 15" E 184.64' to a computed point;
Thence S 64° 31' 15" E 15.11' to an iron pipe found, said iron pipe also being on the
westerly right-of-way of Ranch Road;
Thence S 64° 31' 15" E 29.94' to a computed point, said point being in the center of
Ranch Road;
Thence with the centerline of Ranch road S 25° 40' 19" W 39.46' to a computed point;
Thence, N 85° 25' 29" W 32.16' to an iron rebar found, said point also being THE
POINT AND PLACE OF BEGINNING of the northwestern portion of the now or
formerly Devra S. Massey Trust & Devra S. Massey Trustee property(DB 2745, PG 733)
being 1,153,465 square feet or 26.480 acres.

PRELIMINARY – NOT FOR SALES OR CONVEYANCES

Ordinance # #2023-12-03

Annexation Petition 2023-161-ANX
D.R. Horton, INC.
Location: 05G01012D
Contiguous; 27.300 acres

**TOWN OF CLAYTON
ORDINANCE TO EXTEND THE CORPORATE LIMITS**

1. WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-31.
to annex the area described below; and

WHEREAS, the Clayton Town Council has by resolution directed the Town Clerk to investigate
the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on
the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on
December 18, 2023, where the Town Council meeting occurring on January 2, 2024, after due
notice by publication in the Johnstonian on December 20th, 2023; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS
160A-31;

NOW THEREFORE, BE IT ORDAINED by the Clayton Town Council of the Town of
Clayton, North Carolina that:

1. **SECTION 1** By virtue of the authority granted by NC GS 160A-31., the following
described territory is hereby annexed and made part of the Town of Clayton as of January
2, 2024:

BEGINNING at an iron rebar found, said point being the westerly edge of Ranch
Road and also being the northeasterly property corner of now or formerly Michael M.
& Lisa Cotton (DB 3879, PG 886), thence leaving the westerly right-of-way of Ranch
Road N 89° 01' 21" W 1,191.53' to a pinched pipe found;

Thence N 01° 41' 40" E 599.40' to a bent iron pipe found;
 Thence N 20° 16' 46" E 37.51' to a computed point; Thence N 58° 48' 43" E 65.68' to a
 computed point; Thence S 63° 09' 25" E 52.15' to an iron pipe found;
 Thence N 74° 36' 07" E 88.76' to an iron pipe found; Thence N 33° 44' 25" E 25.34' to
 an iron pipe found; Thence N 88° 50' 38" E 41.23' to an iron pipe found; Thence N
 35° 02' 18" E 17.33' to a computed point;
 Thence S 85° 35' 17" E 10.48' to an iron pipe found;
 Thence S 18° 26' 16" E 22.15' to a bent iron pipe found;
 Thence S 76° 05' 44" E 20.12' to an iron pipe found;
 Thence N 74° 28' 27" E 31.10' to a computed point;
 Thence N 00° 16' 24" E 58.10' to an iron pipe found;
 Thence N 00° 16' 24" E 191.69' to an iron rebar found;
 Thence S 88° 42' 43" E 833.43' to a bent iron pipe found;
 Thence S 88° 42' 43" E 160.87' to an iron pipe;
 Thence S 88° 42' 43" E 287.91' to a computed point;
 Thence S 88° 42' 43" E 4.63' to an existing concrete monument, said concrete
 monument being on the westerly right-of-way of Little Creek Church Road and also the
 southeasterly corner of now or formerly Mark Edward Parker & Lisa W. Parker's
 property(DB 1511, PG 348);
 Thence S 89° 07' 32" E 33.39' to an iron rebar found;
 Thence S 89° 07' 32" E 4.99' to a computed point, said point also being the center of
 Little Creek Church Road;
 Thence with the center of Little Creek Church Road the following courses and
 distances: S 27° 33' 18" W 49.93' to a computed point;
 S 26° 09' 58" W 52.21' to a computed point; S 26° 28' 29" W 392.21' to a computed
 point;
 Thence leaving the center of Little Creek Church Road N 65° 14' 56" W 32.44' to a
 pinched pipe found, said pipe also being on the westerly right-of-way of Little Creek
 Road;
 Thence leaving the right-of-way of Little Creek Road N 65° 14' 56" W 12.53' to a
 computed point;
 Thence N 65° 14' 56" W 87.50' to an axe! found;
 Thence S 24° 49' 42" W 99.40' to a bent iron pipe found;

Thence S 64° 59' 56" E 186.17' to a computed point;
 Thence S 64° 59' 56" E 13.71' to an iron pipe found, said pipe also being on the westerly right-of-way of Ranch Road;
 Thence S 64° 59' 56" E 30.08' to a computed point, said point also being the center of Ranch Road;
 Thence with the center of Ranch Road the following courses and distances:
 S 24° 57' 39" W 99.79' to a computed point;
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 Thence leaving the center of Ranch Road N 64° 17' 48" W 26.75' to a computed point, said point also being on the westerly right-of-way of Ranch Road;
 Thence leaving the westerly right-of-way of Ranch road N 64° 17' 48" W 15.05' to a computed point;
 Thence N 64° 17' 48" W 185.22' to a pinched pipe found;
 Thence S 25° 23' 1 0" W 200.47' to an iron pipe found;
 Thence S 64° 31' 15" E 184.64' to a computed point;
 Thence S 64° 31' 15" E I 5.11' to an iron pipe found, said iron pipe also being on the westerly right-of-way of Ranch Road;
 Thence S 64° 31' 15" E 29.94' to a computed point, said point being in the center of Ranch Road;
 Thence with the centerline of Ranch road S 25° 40' 19" W 39.46' to a computed point;
 Thence, N 85° 25' 29" W 32.16' to an iron rebar found, said point also being **THE POINT AND PLACE OF BEGINNING** of the northwestern portion of the now or formerly Devra S. Massey Trust & Devra S. Massey Trustee property (DB 2745, PG 733) being 1,153,465 square feet or 26.480 acres.

SECTION 2 Upon and after January 2, 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

SECTION 3 The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of (COUNTY), and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in SECTION 1 above, together with a duly certified copy of the ordinance. Such a map shall also be delivered to the County Board of Elections, as required by NC GS 163-288.1.

ADOPTED this 2nd day of January 2024.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Heidi Holland, CMC, NCCMC
Town Clerk

Jim Cauley
Town Attorney

.....
**NORTH CAROLINA
JOHNSTON COUNTY**

This the _____ day of _____, 2024, personally appeared before me Heidi Holland, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Heidi Holland, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

Notary Public - Signature

Notary Public - Printed Name

Commission Expires: -----

County of Commission: -----

**RESOLUTION 2023-98 DIRECTING THE CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER NC G.S. 160A-31 AND SETTING THE DATE OF A PUBLIC HEARING
ON THE QUESTION OF ANNEXATION, 2023-161-ANX Lawson Glen Annexation**

WHEREAS, a petition requesting annexation of an area described in said petition was received by the Town of Clayton; and

WHEREAS, NC G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation, subject to the Clerk's satisfactory investigation of the sufficiency of the petition; and

WHEREAS, the area proposed for annexation is described as follows:

BEGINNING at an iron rebar found, said point being the westerly edge of Ranch Road and also being the northeasterly property corner of now or formerly Michael M. & Lisa Cotton (DB 3879, PG 886), thence leaving the westerly right-of-way of Ranch Road N 89° 01' 21" W 1,191.53' to a pinched pipe found;
Thence N 01° 41' 40" E 599.40' to a bent iron pipe found;
Thence N 20° 16' 46" E 37.51' to a computed point; Thence N 58° 48' 43" E 65.68' to a computed point; Thence S 63° 09' 25" E 52.15' to an iron pipe found;
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Thence S 88° 42' 43" E 833.43' to a bent iron pipe found;
Thence S 88° 42' 43" E 160.87' to an iron pipe;
Thence S 88° 42' 43" E 287.91' to a computed point;
Thence S 88° 42' 43" E 4.63' to an existing concrete monument, said concrete monument being on the westerly right-of-way of Little Creek Church Road and also the southeasterly corner of now or formerly Mark Edward Parker & Lisa W. Parker's property(DB 1511, PG 348);
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Thence S 89° 07' 32" E 4.99' to a computed point, said point also being the center of Little Creek Church Road;

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 Thence, N 85° 25' 29" W 32.16' to an iron rebar found, said point also being THE POINT AND PLACE OF BEGINNING of the northwestern portion of the now or formerly Devra S. Massey Trust & Devra S. Massey Trustee property (DB 2745, PG 733) being 1,153,465 square feet or 26.480 acres

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that:

Section 1. The Town Clerk is hereby directed to investigate the sufficiency of the below described petition and to certify as soon as possible to the Town of Clayton Town Council the result of her investigation.

Section 2. Subject to the Town Clerk's satisfactory result of her investigation, a public hearing on the question of annexation of the area described herein will be held at the Town Hall Council Chambers, located at 111 E. Second Street, at 6:00PM (or as soon thereafter as is practical) on Tuesday, January 2, 2024.

Section 3. Notice of the public hearing shall be published in the Johnstonian News newspapers, having general circulation in the Town of Clayton, at least ten (10) days prior to the public hearing.

Duly adopted this 18th day of December 2023, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Heidi Holland, CMC, NCCMC
Town Clerk

DESCRIPTION/ADDRESS:
Pin #: 166814-33-0328
Contiguous; 27.300 acres

**RESOLUTION 2023-98 DIRECTING THE CLERK TO INVESTIGATE A PETITION
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ATTEST:

Jody L. McLeod
Mayor

Heidi Holland, CMC, NCCMC
Town Clerk

DESCRIPTION/ADDRESS:
Pin #: 166814-33-0328
Contiguous; 27.300 acres



Regular Town Council Meeting Agenda Cover Sheet

Meeting Date

January 2, 2024

Agenda Location

OLD BUSINESS

Item Title

Clayton Community Park - Construction Project Bid Award

Presenter(s)

Chris Gallant - Project Manager

Suggested Action

Approval of Bid Award

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☐
Think Land
Use &
Housing



☐
Think
Mobility



☒
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing

- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☐ None Required

Summary

On December 14, 2023 staff received sealed bids for Clayton Community Park Project. Three bids in total were received from BAR Construction, Fred Smith Company and ST Wooten Corporation.

ST Wooten is the lowest responsive/responsible bidder with a base bid in the amount of \$3,400,000.00, and five alternates in the amount of \$306,576. Total bid with all alternates included is \$3,706,576.00.

The lowest bid, base including all five alternates, is within the project budget.

Recommendation

Per Town of Clayton Purchasing Policies and North Carolina General Statutes, Construction projects over \$500,000 require formal bid procedures, which includes award of the contract by Town Council. Town staff and engineer of record have verified all the necessary documents are in order and recommend awarding the contract, to include all five alternates to ST Wooten Corporation for a total of \$3,706,576.00.

The consultant's recommendation letter has been provided as part of this meeting agenda. Proposed contract is based on a standard Town EJCDC construction contract and has been reviewed by contracts office. Contract time is 273 days to substantial completion.

Staff request Town Council award the contract for base bid, all alternates and authorize Town Manager or designee to execute construction contract and any change orders required to deliver the project within budget.

Funding Source

Park Bonds

Corresponding Documentation

[WithersRavenel - Bid Tabulation Clayton Community Park](#)

[WithersRavenel - Recommendation of Award](#)

[CCP resolution](#)

Submitted By: Chris Gallant, Engineering

Reviewed By:

Joshua Baird, Engineering Director

Rich Cappola, Town Manager

Heidi Holland, Town Clerk

Approved - Dec 26 2023

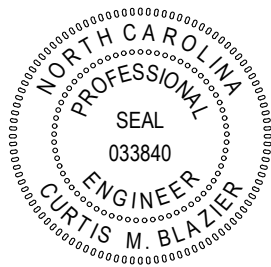
Approved - Dec 28 2023

Approved - Dec 28 2023

Project Bid Tabulation Clayton Community Park - TOC Proj # 700-ENG-2024-12 Town of Clayton WithersRavenel Project No. 09220694.00				December 21, 2023	Bar Construction Co., Inc.	Fred Smith Company	S.T. Wooten Corporation
Item No.	Item Description	Unit	Est. Quan.	Lump Sum Price	Lump Sum Price	Lump Sum Price	Lump Sum Price
Clayton Community Park							
1	Base Bid	LS	1	\$ 4,436,000.00	\$ 4,085,000.00	\$ 3,400,000.00	
2	Alternate #1 - Tennis Court Sunshade	LS	1	\$ 99,000.00	\$ 93,000.00	\$ 96,120.00	
3	Alternate #2 - Greenway Realignment & Playground Grading	LS	1	\$ 36,000.00	\$ 56,000.00	\$ 72,995.00	
4	Alternate #3 - Greenway Connection Between Community Center and Park	LS	1	\$ 54,000.00	\$ 40,500.00	\$ 35,332.00	
5	Alternate #4 - Existing Sport Court Demolition	LS	1	\$ 130,000.00	\$ 126,000.00	\$ 90,136.00	
6	Alternate #5 - Area 1 Furnishings Demolition	LS	1	\$ 19,000.00	\$ 23,500.00	\$ 11,993.00	
Lump Sum Price (Base Bid and Alternates)							
7	Base Bid and Alternates	LS	1	\$ 4,774,000.00	\$ 4,424,000.00	\$ 3,706,576.00	

DocuSigned by:
 By: Curtis M. Blazier
 0508EDD02C86D49A
 Curtis M. Blazier, P.E.

Date: December 21, 2023





December 22, 2023

Joshua Baird, Director of Engineering
Town of Clayton
111 East Second Street
Clayton, North Carolina 27520

RE: Clayton Community Park
Bid Results and Recommendation of Award
WR Project No. 09220694.00

Dear Mr. Baird:

Please find attached a bid summary sheet and certified bid tabulation of the bids received for the subject project on December 14, 2023, at 2:00 pm at the Town Hall. Three (3) bidders provided bids for the project.

The low bidder was:

S.T. Wooten Corporation
PO Box 2408
Wilson, NC 27984

The total bid amount is \$3,706,576.00. We recommend tentative award to the low bidder, S.T. Wooten Corporation in this amount.

A tentative resolution of award pending Town of Clayton approval is attached for Board action. Pending Town of Clayton approval, a Notice to Award will be drafted for signature and contract documents for execution.

If you need further information, please do not hesitate to call.

Sincerely,

WITHERSRAVENEL

Curt Blazier, P.E.
Project Manager

Attachments: Bid Summary
Certified Bid Tabulation
Tentative Resolution of Award
S.T. Wooten Corporation Bid Package

Resolution #2024-07

**RESOLUTION OF AWARD OF BID FOR CLAYTON COMMUNITY PARK
IMPROVEMENTS PROJECT**

WHEREAS, the Town of Clayton publicly advertised an invitation for bids to be received for the Clayton Community Park Improvements Project on November 9, 2023; and

WHEREAS, a public bid opening was held on December 14, 2023, and a total of three-bids were received; and

WHEREAS, the lowest responsive/responsible bidder was BAR Construction for the base bid amount of \$3,400,000.00 and five alternates with a total of \$306,576.00.

WHEREAS, BAR Construction, is properly licensed and experienced in the type of construction involved in this project; and

WHEREAS, based on review of the bids received it is the recommendation that award of the construction contract be granted to BAR Construction; and

WHEREAS, the Town of Clayton intends to construct said project in accordance with the approved plans and specifications,

NOW THEREFORE BE IT RESOLVED, BY THE CLAYTON TOWN COUNCIL THAT:

The Town of Clayton award the construction of Clayton Community Park Improvements Project to BAR Construction in the amount of \$3,706,576.00

Duly adopted this the 2nd day of January, 2024, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi Holland, CMC, NCCMC
Town Clerk